

In the Matter of:

ESTATE OF PATRICK HARMON, SR., et al.

VS

SALT LAKE CITY CORPORATION, et al.

SCOTT ROBINSON

June 16, 2022

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ESTATE OF PATRICK HARMON, SR., et al. vs SALT LAKE CITY CORPORATION, et al.
SCOTT ROBINSON - 06/16/2022

<p style="text-align: center;">IN THE UNITED STATES DISTRICT COURT STATE OF UTAH, CENTRAL DIVISION</p> <p style="text-align: center;">- - -</p> <p>ESTATE OF PATRICK HARMON,) SR.; PATRICK HARMON II,) No. 2:19-cv-00553-HCN-CMR as Personal Representative) of the Estate of Patrick) Harmon, Sr., and heir of) District Judge: Patrick Harmon Sr., TASHA) Howard C. Nielsen, Jr. SMITH, as heir of Patrick) Harmon, Sr.,) Magistrate Judge:) Cecilia M. Romero</p> <p style="padding-left: 40px;">Plaintiffs,)</p> <p style="padding-left: 40px;">vs.)</p> <p style="padding-left: 40px;">SALT LAKE CITY CORPORATION,) a municipality; and OFFICER) CLINTON FOX, in his) individual capacity,)</p> <p style="padding-left: 40px;">DEFENDANTS.)</p> <p style="text-align: center;">-----</p> <p style="text-align: center;">DEPOSITION OF SCOTT ROBINSON DEISS LAW SALT LAKE CITY, UTAH JUNE 16, 2022</p>	<p style="text-align: right;">Page 3</p> <p>1 SCOTT ROBINSON, WITNESS 2 INDEX OF EXAMINATION PAGE 3 4 Examination by Ms. Nichols 81 5 Further Examination by Mr Lutz 82 6 Reporter Certificate 83 7 Witness Certificate 84 8 INDEX OF EXHIBITS 9 EXHIBIT PAGE 10 No. 3 Color Photo 27 11 No. 4 Color Photo Bates-stamped SLCC001767 52 12 No. 5 Color Photo Bates-stamped SLCC001768 53 13 No. 6 Color Photo Bates-stamped SLCC001639 53 14 No. 7 Crime Lab Analysis Report Latent Print 71 15 Processing 16 17 18 19 20 21 22 23 24 25</p>
<p style="text-align: right;">Page 2</p> <p>1 APPEARANCES OF COUNSEL: 2 FOR PLAINTIFFS: 3 Nicholas A. Lutz RATHOD MOHAMEDBHAI, LLC 4 2701 Lawrence Street, Suite 100 Denver, Colorado 80205 5 303.578.4400 Nl@rmlawyers.com 6 Corey D. Riley 7 DEISS LAW PC 10 West 100 South, Suite 425 8 Salt Lake City, Utah 84101 801.433.0226 9 801.433.0226 10 11 FOR DEFENDANTS: 12 Katherine Nichols SALT LAKE CITY ATTORNEY'S OFFICE 13 35 East 500 South, Second Floor Salt Lake City, Utah 84111 14 385.468.7900 Katherinenichols@slcgov.com 15 16 17 18 19 20 21 22 23 24 25</p>	<p style="text-align: right;">Page 4</p> <p>1 SALT LAKE CITY, UTAH, JUNE 16, 2022, 2:01 P.M. 2 - - - 3 SCOTT ROBINSON, 4 called as a witness herein, having been first duly 5 sworn, was examined and testified as follows: 6 EXAMINATION 7 BY MR. LUTZ: 8 Q. Afternoon, Officer Robinson. Like I said off 9 record, my name's Nick. I'm an attorney for the 10 Plaintiffs in this case which is Patrick Harmon, Tasha 11 Smith, and the Estate of Patrick Harmon. To my left is 12 Corey Riley, another attorney for the Plaintiffs. 13 Have you ever been deposed before? 14 A. No. 15 Q. So I will just kind of explain the process. 16 It's not dissimilar to an interview, right, which I'm 17 sure you're very familiar with. The most important 18 part is that everything is being taken down by our 19 court reporter word for word, so it's really important 20 that we don't talk over each other, so please wait for 21 me to finish whatever I'm saying or whatever question 22 I'm asking before you answer. I'll do the same thing 23 and let you finish your answer before I follow up. 24 Similarly, verbal answers are important 25 because it's really hard to take down gestures, head</p>

<p>Page 5</p> <p>1 nods, or colloquial things like uh-huh or uh-uh. So</p> <p>2 yes, no, that kind of thing.</p> <p>3 You've testified in court before; right?</p> <p>4 A. Yes.</p> <p>5 Q. So the court reporter just swore you in. You</p> <p>6 understand that's the same oath that you take to tell</p> <p>7 the truth as you would in a court --</p> <p>8 A. Yes.</p> <p>9 Q. -- any other court of law?</p> <p>10 A. Yes.</p> <p>11 Q. Are you suffering from any illness or</p> <p>12 condition that would make it difficult to testify</p> <p>13 today?</p> <p>14 A. No.</p> <p>15 Q. Under the influence of anything that would</p> <p>16 make it difficult for you to remember and fully</p> <p>17 testify?</p> <p>18 A. No.</p> <p>19 Q. While we talk today, Ms. Nichols will likely</p> <p>20 be objecting to some questions. I ask that you still</p> <p>21 answer the question unless she instructs you not to</p> <p>22 answer. Usually when that comes up it's a matter of</p> <p>23 attorney-client privilege, so I never want to know what</p> <p>24 you guys talk about.</p> <p>25 A. Understood.</p>	<p>Page 7</p> <p>1 about, is that the interview you gave to the Unified</p> <p>2 Police Department?</p> <p>3 A. Yes.</p> <p>4 Q. Did you talk to anybody else?</p> <p>5 A. No.</p> <p>6 Q. Okay. Not Officer Fox or Officer Robinson?</p> <p>7 A. No. And that's me, Sergeant Robinson.</p> <p>8 Q. Oh, I'm sorry.</p> <p>9 A. No, you're good. But you meant Officer</p> <p>10 Smith.</p> <p>11 Q. I did. Thank you for catching that.</p> <p>12 A. No, you're good. Yes, I did talk to myself</p> <p>13 about it.</p> <p>14 Q. There's probably no better way to prepare.</p> <p>15 Did you come from work?</p> <p>16 A. No.</p> <p>17 Q. Are you working later?</p> <p>18 A. No.</p> <p>19 Q. Is there a reason you came in uniform?</p> <p>20 A. The case is about when I was on duty.</p> <p>21 Q. Okay. So you're still with SLCPD?</p> <p>22 A. Yes.</p> <p>23 Q. Sorry. Just give me a second.</p> <p>24 So you've never been deposed before?</p> <p>25 A. No.</p>
<p>Page 6</p> <p>1 MR. LUTZ: Actually, can you just for the record,</p> <p>2 I don't think we've talked about this, but are you</p> <p>3 representing --</p> <p>4 MS. NICHOLS: Yeah.</p> <p>5 Q. (BY MR. LUTZ) -- Officer Robinson and --</p> <p>6 MS. NICHOLS: I am, yeah.</p> <p>7 MR. LUTZ: -- Smith? Okay.</p> <p>8 Smith's a former employee; right?</p> <p>9 MS. NICHOLS: Yeah, but our position is that, you</p> <p>10 know, he has -- as to this incident, has the ability to</p> <p>11 bind the city in certain ways.</p> <p>12 MR. LUTZ: Okay.</p> <p>13 Q. (BY MR. LUTZ) Did you do anything to prepare</p> <p>14 for today?</p> <p>15 A. Yes.</p> <p>16 Q. Can you tell me what?</p> <p>17 A. I met with Ms. Nichols.</p> <p>18 Q. Okay. Did you review any documents?</p> <p>19 A. No.</p> <p>20 Q. Have you reviewed any materials from the</p> <p>21 case?</p> <p>22 A. I reviewed body cam footage and my interview.</p> <p>23 Q. Which body cam footage did you review?</p> <p>24 A. All three of them.</p> <p>25 Q. Okay. And the interview you're talking</p>	<p>Page 8</p> <p>1 Q. But I assume you've testified in court?</p> <p>2 A. Yes.</p> <p>3 Q. How often have you testified in court?</p> <p>4 A. Maybe a dozen times.</p> <p>5 Q. Okay. And in what capacity?</p> <p>6 A. Everything from a prelim to a jury trial.</p> <p>7 Q. Okay. All cases where you were --</p> <p>8 A. Involved somehow.</p> <p>9 Q. Yeah.</p> <p>10 A. Yes.</p> <p>11 Q. As an officer?</p> <p>12 A. Yes.</p> <p>13 Q. How long have you been with Salt Lake City?</p> <p>14 A. Since September of 2015.</p> <p>15 Q. Okay. Is that your first job in law</p> <p>16 enforcement?</p> <p>17 A. No.</p> <p>18 Q. Can you walk me through your law enforcement</p> <p>19 background.</p> <p>20 A. I started in 2013 with Salt Lake City County</p> <p>21 Sheriffs Department in the jail and I got hired by Salt</p> <p>22 Lake City in September 2015.</p> <p>23 Q. What was your title with the sheriffs</p> <p>24 department?</p> <p>25 A. Corrections Officer.</p>

<p style="text-align: right;">Page 9</p> <p>1 Q. So you stayed in that for about two years?</p> <p>2 A. Yes.</p> <p>3 Q. What made you seek out SLCPD?</p> <p>4 A. Just what I've always wanted to do.</p> <p>5 Q. Always wanted to have a career in law</p> <p>6 enforcement?</p> <p>7 A. Uh-huh. Specifically with Salt Lake City.</p> <p>8 Q. Okay. Did you grow up here?</p> <p>9 A. Yes.</p> <p>10 Q. Where about?</p> <p>11 A. Rose Park.</p> <p>12 Q. How far away are we from that?</p> <p>13 A. It's on the west side of town. The ghetto as</p> <p>14 some call it.</p> <p>15 Q. So you've never been deposed before. Have</p> <p>16 you ever been named as a party in a lawsuit?</p> <p>17 A. No.</p> <p>18 Q. Don't know?</p> <p>19 A. I don't know, no.</p> <p>20 Q. Okay.</p> <p>21 A. There you go.</p> <p>22 Q. Okay. Have you reviewed anything else from</p> <p>23 the litigation in this case like filings or transcripts</p> <p>24 or anything like that?</p> <p>25 A. No.</p>	<p style="text-align: right;">Page 11</p> <p>1 Q. Was the supervisory aspect something that</p> <p>2 you've been looking to do?</p> <p>3 A. Yes.</p> <p>4 Q. Do you mind if I ask how old you are?</p> <p>5 A. 34. Sorry. That always takes me a minute.</p> <p>6 Q. Is that young for a sergeant?</p> <p>7 A. I think so.</p> <p>8 Q. I think it seems like it would be to me.</p> <p>9 A. We have one or two that are younger though.</p> <p>10 Q. Okay. How many are in the department?</p> <p>11 Sergeants.</p> <p>12 A. I think 70.</p> <p>13 Q. You're definitely on the younger end.</p> <p>14 A. Sure. I would imagine.</p> <p>15 Q. Prior to -- what did you do prior to joining</p> <p>16 the sheriffs department?</p> <p>17 A. I was in the military.</p> <p>18 Q. What branch?</p> <p>19 A. Army.</p> <p>20 Q. And what was your -- what's the highest rank</p> <p>21 you achieved?</p> <p>22 A. Sergeant.</p> <p>23 Q. Any deployments?</p> <p>24 A. Yes. I was deployed to Iraq and Afghanistan.</p> <p>25 Q. How many times?</p>
<p style="text-align: right;">Page 10</p> <p>1 Q. Okay. And you understand you're not a</p> <p>2 defendant in this case?</p> <p>3 A. Yes.</p> <p>4 Q. You're not being sued?</p> <p>5 A. Yes.</p> <p>6 Q. Okay. So other than the -- so you went</p> <p>7 straight from the sheriffs office to SLCPD?</p> <p>8 A. Uh-huh, yes.</p> <p>9 Q. What's your current title?</p> <p>10 A. Sergeant On Patrol.</p> <p>11 Q. Okay. And does that mean you were promoted</p> <p>12 at some point?</p> <p>13 A. Yes.</p> <p>14 Q. From?</p> <p>15 A. Officer to Sergeant.</p> <p>16 Q. When was that?</p> <p>17 A. March.</p> <p>18 Q. Okay.</p> <p>19 A. Of this year.</p> <p>20 Q. Just recently. Congratulations.</p> <p>21 A. Thank you.</p> <p>22 Q. How have your duties changed?</p> <p>23 A. Now I'm in charge of people.</p> <p>24 Q. Enjoying it?</p> <p>25 A. Yes.</p>	<p style="text-align: right;">Page 12</p> <p>1 A. Once each.</p> <p>2 Q. I think I knew this about you, but I don't</p> <p>3 actually know how I know that.</p> <p>4 A. That seems odd.</p> <p>5 Q. It's in the files somewhere.</p> <p>6 How old were you when you joined?</p> <p>7 A. 17.</p> <p>8 Q. So you've had either military or law</p> <p>9 enforcement jobs forever?</p> <p>10 A. That's my life.</p> <p>11 Q. Okay. Where did you go to high school?</p> <p>12 A. West.</p> <p>13 Q. Is that in -- what was that?</p> <p>14 A. West High. It's over on 300 West.</p> <p>15 Q. So now -- so you're sergeant now. Before</p> <p>16 that you were a patrol officer?</p> <p>17 A. Yes.</p> <p>18 Q. That was for about five years? How long was</p> <p>19 that?</p> <p>20 A. I was on patrol for about four years and then</p> <p>21 on bikes for about two years.</p> <p>22 Q. Okay. And in 2017?</p> <p>23 A. On graveyard patrol.</p> <p>24 Q. Okay. So not on a bike, you were in a car?</p> <p>25 A. Yes.</p>

<p style="text-align: right;">Page 13</p> <p>1 Q. Okay. Can you walk me through kind of what</p> <p>2 an average day looked like in that time as a patrol</p> <p>3 officer.</p> <p>4 A. I started at 9:30 p.m., do lineup until about</p> <p>5 10:00 p.m. We start at 9:30 p.m., do lineup until</p> <p>6 about 10:00 p.m. and go take calls for the rest of the</p> <p>7 nightly, try to do what we call on view if we get a</p> <p>8 chance. On view is traffic stops, pedestrian stops,</p> <p>9 searching for drugs, guns, and warrants.</p> <p>10 Q. Okay. Do you know Clint Fox?</p> <p>11 A. Yes.</p> <p>12 Q. Are you friends?</p> <p>13 A. Yes.</p> <p>14 Q. How long have you guys been friends?</p> <p>15 A. I believe he started working for Salt Lake in</p> <p>16 about 2017, maybe 2016. Since he started we became</p> <p>17 friends pretty quickly.</p> <p>18 Q. How often do you work together?</p> <p>19 A. Never anymore.</p> <p>20 Q. What period of time in the past were you</p> <p>21 working together?</p> <p>22 A. That period. That was about it. After he</p> <p>23 came back from leave, we didn't work together again</p> <p>24 after that.</p> <p>25 Q. So between 2015 and 2017?</p>	<p style="text-align: right;">Page 15</p> <p>1 painless.</p> <p>2 A. Yeah, if he was going to say anything, I'm</p> <p>3 sure that's what he would have said. I'm sure he would</p> <p>4 have said I would have rather spent my Thursday morning</p> <p>5 no other way.</p> <p>6 Q. That's -- yeah, that's --</p> <p>7 A. That's word for word I think exactly what he</p> <p>8 would have said.</p> <p>9 Q. So now you're a sergeant. Can you walk me</p> <p>10 through what your day to day looks like.</p> <p>11 A. Show up at 9:30 p.m., I conduct lineup, and</p> <p>12 then my guys go out and handle calls and they call me</p> <p>13 if they need me.</p> <p>14 Q. What is lineup?</p> <p>15 A. It's the daily briefing.</p> <p>16 Q. Okay.</p> <p>17 A. Things to look out for.</p> <p>18 Q. What does that usually involve?</p> <p>19 A. A Power Point of a daily briefing that admin</p> <p>20 puts together.</p> <p>21 Q. What sort of things does the briefing</p> <p>22 discuss?</p> <p>23 A. Talks about past events that have happened</p> <p>24 over the last few days, covers all of the significant</p> <p>25 events of the last few days, then safety concerns. For</p>
<p style="text-align: right;">Page 14</p> <p>1 A. Yeah.</p> <p>2 Q. Okay. Did you and Officer Fox spend time</p> <p>3 socially?</p> <p>4 A. Yes.</p> <p>5 Q. Have you ever been to his house?</p> <p>6 A. Yes.</p> <p>7 Q. Has he been to yours?</p> <p>8 A. I can't remember if he's been to mine.</p> <p>9 Q. Any other social events outside of work?</p> <p>10 A. We went to a bar together one time.</p> <p>11 Q. So not working together anymore. Are you</p> <p>12 spending any social time with him today?</p> <p>13 A. I have not hung out with him in a while.</p> <p>14 Q. And what about Kris Smith?</p> <p>15 A. We are good friends.</p> <p>16 Q. How long have you guys been friends?</p> <p>17 A. I knew him from the jail, so since 2013.</p> <p>18 Q. Okay. Do you spend any time together today?</p> <p>19 A. No. We talked on the phone today.</p> <p>20 Q. Okay. Did he let you know how his deposition</p> <p>21 went?</p> <p>22 A. No. We were not going to play that game. He</p> <p>23 asked me about my daughter's birthday party on Saturday</p> <p>24 that he's coming to.</p> <p>25 Q. I assume he would have told you it was</p>	<p style="text-align: right;">Page 16</p> <p>1 example, if there's people that are claiming they're</p> <p>2 going to shoot it out with law enforcement, then that's</p> <p>3 in there.</p> <p>4 Q. Okay. How many folks are you supervising?</p> <p>5 A. Five right now.</p> <p>6 Q. All patrol officers?</p> <p>7 A. Yes.</p> <p>8 Q. People stay with the department longterm?</p> <p>9 A. Yes.</p> <p>10 Q. Well, I know this isn't fun, but I appreciate</p> <p>11 you being here. We'll just kind of cut to the chase.</p> <p>12 A. Thanks.</p> <p>13 Q. Do you remember August 13th, 2017?</p> <p>14 A. I remember the day we're talking about. I</p> <p>15 don't remember the actual date.</p> <p>16 Q. The incident involving Patrick Harmon?</p> <p>17 A. The incident, yes.</p> <p>18 Q. Okay. So I think you told me that -- what</p> <p>19 was your title that day?</p> <p>20 A. Officer.</p> <p>21 Q. Patrol Officer?</p> <p>22 A. Graveyard Patrol Officer, yes.</p> <p>23 Q. And did you only work graveyards as a patrol</p> <p>24 officer?</p> <p>25 A. Yes, unless you working overtime. If you're</p>

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1 working overtime, you can work different shifts, but my
2 primary function then was graveyard patrol officer.
3 Q. Okay. So starting when you clocked in that
4 day in August 2017, can you kind of walk me through
5 what happened.
6 MS. NICHOLS: Objection, calls for a narrative.
7 You can answer.
8 THE WITNESS: I remember I would have went to
9 lineup. I don't recall what lineup was about. I
10 remember Fox and I were sitting next to each other
11 BSing and then Officer Smith called for a back.
12 Q. (BY MR. LUTZ) Okay. Where were you when you
13 got the -- and by back you mean call for backup?
14 A. Yes.
15 Q. Where were you when you received that call
16 for backup?
17 A. At the public safety building.
18 Q. All right. What's that address?
19 A. 475 South 300 East.
20 Q. Okay. And where was the call requesting
21 backup?
22 A. 10th South and State Street.
23 Q. About how far apart is that?
24 A. Three or four-minute drive.
25 Q. So what did you do after you received that

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1 call for backup?
2 A. I left the police station and went to his
3 location.
4 Q. And did you go with Officer Fox?
5 A. Yes.
6 Q. Did you and Officer Fox discuss the call
7 before you --
8 A. No.
9 Q. -- you took it?
10 A. Not that I recall.
11 Q. Did you discuss going together?
12 A. It was what we did. We would always back
13 each other up.
14 Q. Okay. Were you -- so you mentioned that you
15 were friends with Officer Smith. Were you concerned
16 that he was calling for backup?
17 A. Not concerned.
18 Q. Was it -- was the fact that the call came
19 from Officer Smith one of the reasons you decided to
20 pick up on it?
21 MS. NICHOLS: Objection, vague ambiguous and
22 confusing.
23 THE WITNESS: No.
24 Q. (BY MR. LUTZ) So you would have gone if any
25 of the officers called for backup?

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1 A. Yes.
2 Q. Okay. So you took the call on the radio,
3 then what did you do?
4 A. Drove there and got on the scene and called
5 dispatch I arrived.
6 Q. Okay. What happened next?
7 A. I walked up to Officer Smith's vehicle and
8 asked him what he had.
9 Q. And what did he tell you?
10 A. He told me that the guy that he had stopped
11 on the bike was not giving him a correct name and he
12 was looking for him and trying to identify him.
13 Q. What did you -- what, if anything, did you do
14 with that information?
15 A. I don't think I did anything.
16 Q. Okay. What happened next?
17 A. He -- Officer Smith stated that he found him
18 in the system, that his name was Patrick Harmon and
19 that he had a felony 2 warrant.
20 Q. Okay. And at this point had you seen Patrick
21 Harmon?
22 A. Yes.
23 Q. What was he doing?
24 A. I think when we arrived he was sitting on his
25 bike.

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1 Q. Was Officer Fox there?
2 A. Yes. Officer Fox and I arrived at the same
3 time.
4 Q. What was Officer Fox doing while you had a
5 discussion with Officer Smith?
6 A. He walked up and began speaking with Patrick.
7 Q. Okay. And just to clarify, you were speaking
8 with Officer Smith at his car while Officer Fox is with
9 Mr. Harmon?
10 A. Yes.
11 Q. Not part of that discussion?
12 A. Yes.
13 Q. Okay. After Officer Smith identified who
14 Mr. Harmon was, did he tell you what he wanted to do?
15 A. I can't recall if he stated specifically, but
16 I would have known that we were going to arrest him.
17 Q. Why is that?
18 A. Because he had a second degree felony
19 warrant.
20 Q. Okay. And were you able to see that
21 independently on the computer?
22 A. No. Not as far as I recall. It's possible,
23 but I don't recall.
24 Q. Okay. But Officer Smith told you?
25 A. Yes.

<p style="text-align: right;">Page 21</p> <p>1 Q. Okay.</p> <p>2 A. He said he had a 99 Fox 2 were his words</p> <p>3 which means felony 2 warrant.</p> <p>4 Q. 99 Fox 2 means -- fox means felony?</p> <p>5 A. Uh-huh.</p> <p>6 Q. Can you just break that down for me.</p> <p>7 A. And 99 means that he's got warrants, Fox</p> <p>8 felony, 2 felony 2.</p> <p>9 Q. Okay. So then what did you do?</p> <p>10 A. I put on my gloves at the car, we walked up</p> <p>11 to Mr. Harmon and Officer Smith explained to him, he</p> <p>12 said you know you've got a warrant, he said I know.</p> <p>13 And I can't remember the exact words that were used,</p> <p>14 but we told him to put his hands behind his back, and</p> <p>15 he had taken off his backpack, and grabbed a hold of</p> <p>16 his left wrist.</p> <p>17 Q. And he is Mr. Harmon?</p> <p>18 A. Yes.</p> <p>19 Q. Okay. Can you describe your position in</p> <p>20 relation to Mr. Harmon?</p> <p>21 A. I was standing on his left side.</p> <p>22 Q. And where was Officer Smith?</p> <p>23 A. On his right side.</p> <p>24 Q. And where was Officer Fox?</p> <p>25 A. In front of Mr. Harmon, but behind</p>	<p style="text-align: right;">Page 23</p> <p>1 Q. So this would be --</p> <p>2 A. It ran west around.</p> <p>3 Q. And which direction was he running in</p> <p>4 relation to you?</p> <p>5 A. Away west.</p> <p>6 Q. Okay. And did he keep going in that</p> <p>7 direction?</p> <p>8 A. No.</p> <p>9 Q. What did he do?</p> <p>10 A. At that point I had made the plan in my mind</p> <p>11 that I was going to tackle him to the ground because we</p> <p>12 were on grass, but as I went to tackle him, I heard him</p> <p>13 say I'll stab or I'll cut or I'll fucking stab you,</p> <p>14 something to that effect, which made me not want to</p> <p>15 tackle him. And so he was running out of room, kind of</p> <p>16 hung a left which would have been heading southbound,</p> <p>17 and kind of gave me a shove, and I fell to the ground.</p> <p>18 Q. Okay. So at some point did you place</p> <p>19 yourself in his path, in Mr. Harmon's path?</p> <p>20 A. I was chasing him and I grabbed a hold of his</p> <p>21 clothing. And even though I was behind him, he needed</p> <p>22 to turn because the iron gate was there and so we kind</p> <p>23 of got tangled up right there.</p> <p>24 Q. Okay. And you ended up on the ground?</p> <p>25 A. Yes.</p>
<p style="text-align: right;">Page 22</p> <p>1 Mr. Harmon's bike. So the bike was in between</p> <p>2 Mr. Harmon and Fox.</p> <p>3 Q. Okay. And what direction was Officer Fox</p> <p>4 facing?</p> <p>5 A. Towards Mr. Harmon.</p> <p>6 Q. Okay. What was Officer Smith doing as you</p> <p>7 were handling Mr. Harmon's left arm?</p> <p>8 A. He was grabbing his right arm and putting it</p> <p>9 behind his back.</p> <p>10 Q. Okay. And what did you do next?</p> <p>11 A. I think I sat down his backpack and kind of</p> <p>12 passed his left arm to Officer Smith.</p> <p>13 Q. And did you have handcuffs out?</p> <p>14 A. No.</p> <p>15 Q. Did Officer Smith?</p> <p>16 A. I don't recall.</p> <p>17 Q. Okay. All right. So you -- at this point</p> <p>18 between you and Officer Smith, you have Mr. Harmon's</p> <p>19 hands behind his back; right?</p> <p>20 A. Yes.</p> <p>21 Q. What did Mr. Harmon do next?</p> <p>22 A. He ran towards the iron gate right there.</p> <p>23 Q. Where was this iron gate?</p> <p>24 A. It's the iron gate that surrounds the</p> <p>25 property of Palmer Court where we were at.</p>	<p style="text-align: right;">Page 24</p> <p>1 Q. What's the next thing you remember?</p> <p>2 A. I recovered from the ground pretty quickly</p> <p>3 and began chasing after, running towards where they</p> <p>4 were, Officer Smith, Officer Fox, and Mr. Harmon, and</p> <p>5 began drawing my firearm.</p> <p>6 Q. And what could you see at that point?</p> <p>7 A. I could see that Mr. Harmon had turned back</p> <p>8 towards Officer Fox.</p> <p>9 Q. And where was Officer Fox in relation to</p> <p>10 Mr. Harmon?</p> <p>11 A. In front of him.</p> <p>12 Q. And where was Officer Smith?</p> <p>13 A. To the left of Officer Fox I believe.</p> <p>14 Actually, I don't recall entirely.</p> <p>15 Q. Okay. And were Officers Fox and Smith still</p> <p>16 moving when you looked up?</p> <p>17 A. No. They -- I believe that they had stopped</p> <p>18 moving because Mr. Harmon turned around.</p> <p>19 Q. Okay. And at that point did you see</p> <p>20 Mr. Harmon moving back in the direction of either</p> <p>21 Officer Fox or Officer Smith?</p> <p>22 A. Yes. He had turned back towards Officer Fox.</p> <p>23 Q. But was he moving towards them?</p> <p>24 A. I don't recall.</p> <p>25 Q. Were they moving towards him?</p>

<p style="text-align: right;">Page 25</p> <p>1 A. I don't recall. I feel like everybody just 2 stopped -- 3 Q. Okay. What's the next thing? 4 A. -- except me. I was running towards because 5 I was a little bit behind. 6 Q. And who were you moving towards? 7 A. The group of them. 8 Q. So did you have the other officers on your 9 left and Mr. Harmon on your right? 10 A. Yes. No. Mr. Harmon would have been in 11 front of me. 12 Q. Right in front of you? 13 A. Not right in front because I was behind. 14 Q. What was the -- about how far apart were you 15 from Mr. Harmon? 16 A. 30 feet maybe. 17 Q. Okay. And what's the next thing you saw? 18 A. I think the next thing was shots fired. 19 Q. And who did you see fire? 20 A. Officer Fox. 21 Q. Did you actually see Officer Fox taking 22 shots? 23 A. I don't recall if I actually saw it or if I 24 just knew that it was him because he was right next to 25 me and -- I don't recall exactly.</p>	<p style="text-align: right;">Page 27</p> <p>1 response. I didn't hear. 2 THE WITNESS: Drawing out. Shots fired. 3 Q. (BY MR. LUTZ) Okay. What did you do after 4 you heard priority shots fired? 5 A. I knew that we needed to get medical 6 attention to Mr. Harmon immediately, so I asked Officer 7 Fox to cover me as I moved up to place him in handcuffs 8 so that we could secure him and give him medical aid. 9 Q. Okay. And did you physically approach 10 Mr. Harmon? 11 A. Yes. 12 Q. What did you do then? 13 A. Placed him in handcuffs. 14 Q. Did you -- what did you notice about his 15 condition? 16 A. On my approach I saw a knife laying on the 17 ground and I noticed bright red blood which indicates 18 massive bleeding typically. 19 Q. I'm going to hand you. 20 (Exhibit 3 marked.) 21 Q. (BY MR. LUTZ) Okay. So I'm handing you 22 Exhibit 3. It's a photograph. Do you recognize what's 23 in that photograph? 24 A. Yes. 25 Q. And what is it?</p>
<p style="text-align: right;">Page 26</p> <p>1 Q. Did you hear the shots? 2 A. Yes. 3 Q. How many were there? 4 A. Three. 5 Q. Did you see what happened to Mr. Harmon? 6 A. He fell to the ground. 7 Q. What did Officer Fox say before firing? 8 A. I don't recall. 9 Q. Do you recall if he said anything? 10 A. No. I don't recall if he said anything. 11 Q. Do you recall if Officer Smith said anything? 12 A. The next words that I remember being spoke 13 were Officer Smith saying priority shots fired on the 14 radio. 15 Q. Okay. Were you surprised to hear gunshots? 16 A. As surprised as anybody would be to hear 17 gunshots I think. 18 Q. Had you expected one of the other officers to 19 fire on Mr. Harmon up to that point? 20 A. I don't -- expect, it would be the wrong 21 word, but was ready for it, yes. As I said, I was 22 drawing my firearm as well, so. 23 Q. Did you succeed in drawing your firearm? 24 A. No. I was drawing out, then shots fired. 25 PLAINTIFF2: For the record, can we get a</p>	<p style="text-align: right;">Page 28</p> <p>1 A. That's the knife that I saw laying next to 2 Mr. Harmon's body. 3 Q. Okay. When you saw that knife, what did you 4 say to the other officers? 5 A. I don't think I said anything about the 6 knife. I said something about we needed to get him 7 aid. 8 Q. Why didn't you say anything about the knife? 9 A. I was placing Mr. Harmon into custody, so the 10 knife was no longer an issue. 11 Q. And was -- was Mr. Harmon alive at that time? 12 A. Yes. 13 Q. And at that point did you believe that 14 proximity of the knife to him he still could have 15 presented a risk to your safety? 16 A. Yes. That's why I placed him in handcuffs. 17 Q. What were the officers doing at that point in 18 time? 19 MS. NICHOLS: Objection to the extent it calls for 20 speculation. 21 THE WITNESS: Once he was in handcuffs I know -- I 22 believe Officer Fox ran back towards his car to get 23 gloves. None of us had latex gloves. And I cannot 24 recall what Officer Smith was doing. I personally was 25 looking for entry and exit wounds so that he could be</p>

<p style="text-align: right;">Page 29</p> <p>1 treated and trying to get him to help him to roll over</p> <p>2 and onto his left side which is the recovery position.</p> <p>3 Q. (BY MR. LUTZ) Do you recall if prior to</p> <p>4 Officer Fox running back to his car, he also approached</p> <p>5 close to Mr. Harmon?</p> <p>6 A. I don't recall.</p> <p>7 Q. What about Officer Smith?</p> <p>8 A. I don't recall.</p> <p>9 Q. Okay. Let's go back. From the time that you</p> <p>10 began placing Mr. Harmon's hands in handcuffs, to the</p> <p>11 time that you approached him on the ground after he had</p> <p>12 been shot, did you see anything in his hands?</p> <p>13 A. I don't recall seeing anything in his hands.</p> <p>14 I recall seeing him reaching in his right pocket,</p> <p>15 towards his right pocket for.</p> <p>16 Q. Did you see his hand go into his right</p> <p>17 pocket?</p> <p>18 A. I don't recall.</p> <p>19 Q. Did you ever see the knife in Exhibit 3 in</p> <p>20 his hand?</p> <p>21 A. I don't recall.</p> <p>22 Q. Do you recall if you had seen a knife in his</p> <p>23 hand?</p> <p>24 MS. NICHOLS: Objection, vague and ambiguous.</p> <p>25 Q. (BY MR. LUTZ) It seems like it's something</p>	<p style="text-align: right;">Page 31</p> <p>1 effect of did someone secure the knife.</p> <p>2 Q. Was your body cam on during that discussion?</p> <p>3 A. Somebody's was. I don't recall if it was</p> <p>4 mine.</p> <p>5 Q. Okay. Did you review the body camera footage</p> <p>6 prior to today's deposition?</p> <p>7 A. Yes.</p> <p>8 Q. Your own?</p> <p>9 A. Yes.</p> <p>10 Q. Did you also review the other officers'?</p> <p>11 A. Yes.</p> <p>12 Q. And in your most recent viewing, do you</p> <p>13 recall hearing your own statement did somebody secure</p> <p>14 the knife?</p> <p>15 A. Yes.</p> <p>16 Q. But you don't recall on whose footage it was?</p> <p>17 A. I think it was Officer Fox's, but I don't --</p> <p>18 I can't be certain.</p> <p>19 Q. Can you explain to me, I asked you earlier if</p> <p>20 Mr. Harmon potentially still presented a threat to you</p> <p>21 when he was laying on the ground and this knife was</p> <p>22 apparently nearby. Why did you make the decision to</p> <p>23 handcuff him rather than secure the knife?</p> <p>24 A. I don't know. In that moment, that split</p> <p>25 second, handcuffs were the option that I was going</p>
<p style="text-align: right;">Page 30</p> <p>1 you would remember.</p> <p>2 A. It's five years ago.</p> <p>3 Q. It's a significant event.</p> <p>4 A. I've had a few.</p> <p>5 Q. So you just don't remember?</p> <p>6 A. Everything happened really, my understanding,</p> <p>7 within like six seconds. So I recall him reaching</p> <p>8 towards his pocket. I recall him saying I'll stab or</p> <p>9 I'll cut or I'll fucking stab you, something along</p> <p>10 those lines, but I don't recall if I saw anything in</p> <p>11 his hand or not.</p> <p>12 Q. Okay. I'm not being critical. I'm just</p> <p>13 trying to figure out --</p> <p>14 A. You're fine.</p> <p>15 Q. -- the complete picture.</p> <p>16 A. It was a chaotic six seconds.</p> <p>17 Q. It was. Was there any discussion with the</p> <p>18 other officers after Mr. Harmon was shot about him</p> <p>19 having a knife?</p> <p>20 A. Yes.</p> <p>21 Q. Tell me about that discussion.</p> <p>22 A. And I guess this is also part of what leads</p> <p>23 me to believe that I did see it, I just don't recall</p> <p>24 sitting here today, because afterwards I approached</p> <p>25 Officer Fox and Officer Smith and said something to the</p>	<p style="text-align: right;">Page 32</p> <p>1 with.</p> <p>2 Q. Is there something in your training that</p> <p>3 would have led you to make that decision? That's a bad</p> <p>4 question.</p> <p>5 Were you trained to handcuff someone as</p> <p>6 opposed to securing a nearby weapon?</p> <p>7 A. I'd say our primary focus is to secure</p> <p>8 whatever person that we're dealing with.</p> <p>9 Q. And that's to place in handcuffs?</p> <p>10 A. Yes.</p> <p>11 Q. Can you handcuff a person and still reach out</p> <p>12 and grab a knife?</p> <p>13 A. I've never seen it.</p> <p>14 Q. Probably depends on the position of the</p> <p>15 handcuffs.</p> <p>16 A. I would imagine.</p> <p>17 Q. Were you going to handcuff him behind his</p> <p>18 back?</p> <p>19 A. Yes.</p> <p>20 Q. Did you succeed in handcuffing him?</p> <p>21 A. Yes.</p> <p>22 Q. And what position did you place his arms when</p> <p>23 you handcuffed him?</p> <p>24 A. Behind his back.</p> <p>25 Q. Okay. And you got both wrist cuffs on?</p>

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1 **A. Yes.**
2 Q. Okay. I'm going to be done with this at the
3 moment. Want to take a quick break?
4 MS. NICHOLS: That would be great.
5 **THE WITNESS: Sure.**
6 (Recess taken from 2:42 p.m. to 2:59 p.m.)
7 Q. (BY MR. LUTZ) Officer, earlier did you -- you
8 told me that you had listened to your interview with
9 UPD just recently, so do you have access to that?
10 MS. NICHOLS: Yeah, we produced it.
11 MR. LUTZ: It's produced?
12 MS. NICHOLS: Uh-huh.
13 MR. LUTZ: Do you know what the Bates number is?
14 MS. NICHOLS: Oh, gosh. No is the short answer
15 and my paralegal is out with surgery right now.
16 MR. LUTZ: I don't think I've seen that or.
17 MS. NICHOLS: It's on a -- it's a smart player
18 .exe file.
19 MR. LUTZ: Okay. I have to recheck that.
20 MS. NICHOLS: And it's from, my understanding,
21 UPD, so we took what we had from UPD and gave you that
22 stuff is my understanding.
23 MR. LUTZ: I'll go back and look to make sure, but
24 I haven't seen it.
25 MS. NICHOLS: Okay. And I can double check on my

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1 end too. I just can't right now because my paralegal
2 who handled the production is out.
3 MR. LUTZ: Okay. Let's figure it out when we can.
4 I think we need both of those to have run.
5 Q. (BY MR. LUTZ) Okay. Officer Robinson, let's
6 go back. You mentioned that you were drawing your
7 weapon after you were on the ground. Did you ever get
8 your weapon out of your holster?
9 **A. No.**
10 Q. Why not?
11 **A. Didn't have time before shots were fired.**
12 Q. Is there a reason you stopped trying to
13 retrieve it once shots were fired?
14 **A. Because Patrick fell down.**
15 Q. So did you just think it was no longer
16 necessary?
17 **A. I knew that I was in the best position to go**
18 **secure him.**
19 Q. Have you been trained on this situation where
20 you have a downed suspect within arm's reach of a
21 weapon?
22 **A. Yes.**
23 Q. And what are you trained to do in that
24 situation?
25 **A. Handcuff the suspect.**

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1 Q. And not secure the weapon?
2 **A. I don't think we're trained to not secure the**
3 **weapon.**
4 Q. So is all --
5 **A. The primary focus is securing the suspect.**
6 Q. Okay. According to your training?
7 **A. Uh-huh.**
8 Q. So that's Salt Lake City Police Department's
9 procedure?
10 **A. I don't think -- I don't know.**
11 Q. But you were trained on it?
12 **A. That's based on my training and experience**
13 **that I've had.**
14 Q. So you were trained to secure the suspect,
15 but you don't know what you're supposed to do with the
16 weapon based on your training?
17 **A. That's not what I said.**
18 Q. What did you say?
19 **A. The primary focus is to secure the suspect.**
20 Q. Is there a secondary focus to secure the
21 weapon?
22 **A. Typically, yes, we like to get the weapon out**
23 **of play.**
24 Q. So why didn't you?
25 **A. Because at that point my secondary focus was**

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1 **to try and save Mr. Harmon's life.**
2 Q. Because he was alive at that time?
3 **A. Yes.**
4 Q. So he couldn't present a risk?
5 **A. Not after I handcuffed him.**
6 Q. Is there anything dangerous to you about
7 attempting to perform emergency medical procedures
8 while there's an open knife sitting at your knees?
9 **A. Yes.**
10 Q. But that didn't motivate you to secure it?
11 **A. No.**
12 Q. Why not?
13 **A. Because I was focused on trying to render aid**
14 **to him.**
15 Q. If it had been a gun, would you have secured
16 it?
17 **A. Maybe.**
18 Q. What would your training have dictated that
19 you do?
20 **A. Probably secure the firearm.**
21 Q. Why is it different?
22 **A. My focus was to a save his life. It wasn't a**
23 **conscious thought to secure or not secure. My focus**
24 **was to secure him and then render medical aid because**
25 **it was clear that he needed it.**

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1 Q. Can you describe the medical aid that you
2 rendered.

3 A. I attempted to locate entry and exit wounds,
4 as I said, and once we located one, I directed another
5 officer that was there to apply pressure. And then
6 shortly after that an officer showed up with a
7 tourniquet that was placed on him, and then I was
8 removed from the scene.

9 Q. Who removed you from the scene?

10 A. My supervisor.

11 Q. Who was that?

12 A. Sergeant Sweeney.

13 Q. Alma?

14 A. Alma, yes.

15 Q. As you approached Mr. Harmon -- so you were
16 the first to approach Mr. Harmon; right?

17 A. Yes.

18 Q. And did Officer Fox warn you that there was a
19 knife in his possession?

20 A. No.

21 Q. Did Officer Smith?

22 A. No.

23 Q. Why do you think that is?

24 MS. NICHOLS: Objection, calls for speculation.

25 THE WITNESS: If I was in Fox's position, I would

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1 be focused on covering the suspect like I asked him to.

2 Q. (BY MR. LUTZ) But at this point you don't
3 know about this knife?

4 MS. NICHOLS: Objection, foundation. I think
5 misstates testimony.

6 THE WITNESS: I feel like I've answered that.

7 Q. (BY MR. LUTZ) Is it a yes or a no? As you
8 approached, Mr. Harmon --

9 A. I saw the knife on the ground, yes.

10 Q. By the time you got really close to him?

11 A. I don't recall my proximity to him when I saw
12 the knife on the ground. I knew that he had been
13 reaching for something. I don't recall whether or not
14 I could see what was in his hand.

15 Q. It just seems surprising to me that Officer
16 Fox allowed you to get that close to him while he was
17 still alive and there was a knife apparently in his
18 hand just prior and not tell you about that. Did it
19 surprise you?

20 A. Things happened quickly.

21 Q. What would you have done if you were in
22 Officer Fox's shoes?

23 A. In a perfect world where there's zero stress
24 and nothing happening I would -- sure, I would like to
25 say hey, there's a knife next to him, be careful.

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1 Q. And why would you do that?

2 A. Because of the danger associated with the
3 knife.

4 Q. Okay. I'm a little stuck on the aspect of
5 your training that doesn't seem to address what you do
6 with a weapon that's near a suspect.

7 A. Our training addresses secure the suspect,
8 secure the weapon.

9 Q. Okay. In this case you secured the suspect
10 and not the weapon?

11 A. Because I decided it was more important to
12 render medical aid.

13 Q. Okay. Would you say that you were acting in
14 conformity with your training --

15 A. Yes.

16 Q. -- in not securing the weapon?

17 A. Yes.

18 Q. Does your training -- in the way that you've
19 been trained, are you permitted to make that call?

20 A. I think there's a misunderstanding happening
21 that it was a conscious decision on my part whether or
22 not to secure the weapon. There wasn't a conscious
23 decision whether or not to secure the weapon. The
24 conscious decision was secure the suspect and then
25 render medical aid.

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1 Q. So not securing may not have been in
2 conformity with the way you've been trained?

3 MS. NICHOLS: Objection, misstates testimony.

4 THE WITNESS: Yeah, that's not what I said, but I
5 don't know how to rephrase it to answer your question
6 the way that you want me to. I made the decision to
7 secure him and then render medical aid. The decision
8 to secure the weapon or not secure the weapon was not a
9 conscious decision. The weapon was there, there was a
10 lot going on, I rendered medical aid.

11 Q. (BY MR. LUTZ) I guess what I'm asking then is
12 what is the by-the-book version of Salt Lake City
13 Police Department's training in this situation? What's
14 that one, two, and three?

15 A. Every situation is different. Every single
16 situation is different, so I can't -- I mean, yeah.
17 Like I said, secure the suspect. You want to secure
18 the weapon, it's is an important part for sure, but
19 also performing medical aid is a certain -- is a very
20 important part, and there is no one, two, three.

21 Q. So have you been trained that you have that
22 discretion to decide what you're going to do with a
23 weapon?

24 A. No, not specifically. We've been trained
25 that those are the steps that you take.

<p style="text-align: right;">Page 41</p> <p>1 Q. Which steps?</p> <p>2 A. Secure the suspect and secure the weapon and</p> <p>3 perform medical aid.</p> <p>4 Q. Okay. None of -- you didn't secure the</p> <p>5 weapon, Officer Smith didn't secure the weapon,</p> <p>6 Officer Fox didn't secure the weapon. None of you</p> <p>7 applied those three steps that your training dictates;</p> <p>8 correct?</p> <p>9 A. I made the decision to render medical aid to</p> <p>10 try and save his life because I felt like that was more</p> <p>11 important.</p> <p>12 Q. I understand, but none of you secured the</p> <p>13 weapon?</p> <p>14 A. None of us secured the weapon, yes, which is</p> <p>15 why I asked about it.</p> <p>16 Q. So you participated in an investigation in</p> <p>17 this case after the incident; right?</p> <p>18 A. Yes.</p> <p>19 Q. You gave an interview?</p> <p>20 A. Yes.</p> <p>21 Q. Who interviewed you?</p> <p>22 A. I don't recall. A detective.</p> <p>23 Q. You don't remember his name?</p> <p>24 A. Huh-uh.</p> <p>25 Q. Just one?</p>	<p style="text-align: right;">Page 43</p> <p>1 Q. -- just days ago?</p> <p>2 A. Uh-huh.</p> <p>3 Q. And that didn't refresh your memory as to</p> <p>4 whether or not you saw a knife in his hand?</p> <p>5 A. Sitting here today, I do not recall if I saw</p> <p>6 a knife in his hand or not.</p> <p>7 Q. I don't understand how that fact wouldn't</p> <p>8 stick out to you.</p> <p>9 MS. NICHOLS: Objection, argumentative.</p> <p>10 THE WITNESS: Sitting here today, I do not recall</p> <p>11 if he had the knife in his hand or not.</p> <p>12 Q. (BY MR. LUTZ) Why were you reaching for your</p> <p>13 gun?</p> <p>14 A. Looking back I would guess because I saw</p> <p>15 something and heard something that made me think that I</p> <p>16 needed my gun, including I'll fucking stab or I'll cut</p> <p>17 or whatever he was saying, reaching for his pocket.</p> <p>18 Those are the things that I remember very clearly.</p> <p>19 Q. So you reached for your gun because you heard</p> <p>20 Mr. Harmon say I'll fucking stab you?</p> <p>21 A. Something along those lines. I can't</p> <p>22 remember if that was the exact words used.</p> <p>23 Q. Was it immediately after you heard words to</p> <p>24 that effect that you began reaching for your gun?</p> <p>25 A. As quickly as I could, yes.</p>
<p style="text-align: right;">Page 42</p> <p>1 A. There was two in the room.</p> <p>2 Q. Did they reveal their names?</p> <p>3 A. No.</p> <p>4 Q. Did you listen to this interview?</p> <p>5 A. A few days ago.</p> <p>6 Q. Did they say their names on it?</p> <p>7 A. I can't recall.</p> <p>8 Q. Okay. Did anyone ask you -- when you were</p> <p>9 being interviewed about this incident, did anyone ask</p> <p>10 you why you failed to secure the knife?</p> <p>11 A. No.</p> <p>12 Q. Did anyone question the decision to leave a</p> <p>13 knife on the ground?</p> <p>14 A. No.</p> <p>15 Q. Did anyone accuse you of not acting in</p> <p>16 conformity with your training?</p> <p>17 A. No.</p> <p>18 Q. Okay. I want to go back to something you</p> <p>19 said earlier which I'm not entirely clear on. I asked</p> <p>20 you if you saw a knife in Mr. Harmon's hand and you</p> <p>21 told me you don't remember; right?</p> <p>22 A. Yes.</p> <p>23 Q. But you reviewed the video from your own body</p> <p>24 camera --</p> <p>25 A. Uh-huh.</p>	<p style="text-align: right;">Page 44</p> <p>1 Q. At that point were you already on the ground?</p> <p>2 A. He was saying that kind of continually. I</p> <p>3 hit the ground and then as I was coming up is when I</p> <p>4 began reaching for my weapon.</p> <p>5 Q. Okay. Let's return to this interaction. And</p> <p>6 correct my language if I'm misstating what you said,</p> <p>7 but this kind of impact between you and Mr. Harmon, I'm</p> <p>8 just referring to when you guys got close and then what</p> <p>9 happened next.</p> <p>10 A. Sure. Yes.</p> <p>11 Q. So you said you wanted to tackle him; right?</p> <p>12 A. Uh-huh.</p> <p>13 Q. What I'd like to clarify is I think you said</p> <p>14 you wanted to tackle him and then you heard something</p> <p>15 like I'll fucking stab you and you're like I'm not</p> <p>16 going to tackle this guy because I'm going to get</p> <p>17 stabbed.</p> <p>18 A. Yes.</p> <p>19 Q. Is that accurate?</p> <p>20 A. Yes.</p> <p>21 Q. Okay. So did you pull off of him when you</p> <p>22 heard that? Were you trying to engage with him and</p> <p>23 then backed off?</p> <p>24 A. That's really difficult to explain because</p> <p>25 it's such a quick encounter, but I didn't full oven</p>

<p style="text-align: right;">Page 45</p> <p>1 entirely, but I gave up on the idea of tackling him, so</p> <p>2 I still wanted to stop him.</p> <p>3 Q. And did his body push against yours?</p> <p>4 A. Yes, I believe so.</p> <p>5 Q. Were you pushing into his body?</p> <p>6 A. I had grabbed onto his clothing and so I was</p> <p>7 trying to pull him, and he turned. And after -- and we</p> <p>8 kind of collided and I ended up on the ground.</p> <p>9 Q. Okay. Did he shove you to the ground?</p> <p>10 A. I believe so.</p> <p>11 Q. Okay. So when this transpired, roughly,</p> <p>12 you're on his right side I suppose?</p> <p>13 A. Before the --</p> <p>14 Q. Right before you end up on the ground, you're</p> <p>15 on the right side of him; right?</p> <p>16 A. I think I was more in front of him.</p> <p>17 Q. Okay.</p> <p>18 A. Because he kind of turns, I had grabbed a</p> <p>19 hold of his clothing, we kind of swung around, and then</p> <p>20 I think he shoved and, like, we were face to face when</p> <p>21 I hit the ground I think.</p> <p>22 Q. Okay. Where was Officer Fox?</p> <p>23 A. I don't know. I don't recall exactly where</p> <p>24 they were.</p> <p>25 Q. Do you know if Officer Fox was trying to also</p>	<p style="text-align: right;">Page 47</p> <p>1 A. I believe it was mounted on my right</p> <p>2 shoulder.</p> <p>3 Q. Is it on your shoulder or your collar or</p> <p>4 lapel?</p> <p>5 A. I don't recall because I used all of them</p> <p>6 trying to find which one I liked best, so I don't</p> <p>7 recall specifically where it was at.</p> <p>8 Q. Okay. Somewhere on your right shoulder?</p> <p>9 A. Yes.</p> <p>10 Q. Neck level?</p> <p>11 A. Yes.</p> <p>12 Q. Okay. And where do you control it from?</p> <p>13 A. That one I can't remember if I had it mounted</p> <p>14 on my chest or if I had it mounted on my belt.</p> <p>15 Q. It could have been either way?</p> <p>16 A. Yeah, it could have been either one.</p> <p>17 Q. And was your camera functioning normally that</p> <p>18 day?</p> <p>19 A. I learned later that the audio had been</p> <p>20 messed up.</p> <p>21 Q. How was it messed up?</p> <p>22 A. We can't hear hardly anything on my camera.</p> <p>23 I actually learned that in a different case reviewing a</p> <p>24 different body cam.</p> <p>25 Q. In having reviewed the other officers' body</p>
<p style="text-align: right;">Page 46</p> <p>1 grab Mr. Harmon at that point in time?</p> <p>2 A. I don't.</p> <p>3 Q. Did you ever see a cigarette in Mr. Harmon's</p> <p>4 mouth?</p> <p>5 A. Yes. He still had it in his mouth when he</p> <p>6 took off running.</p> <p>7 Q. So it was in his mouth when you heard him say</p> <p>8 words to the effect of I'll fucking stab you?</p> <p>9 A. I don't know if his cigarette was still in</p> <p>10 his mouth.</p> <p>11 Q. Okay. Sorry. Bear with me.</p> <p>12 A. You're good.</p> <p>13 Q. Thanks for your patience.</p> <p>14 A. Of course.</p> <p>15 Q. You remember wearing a body camera that day?</p> <p>16 A. Yes.</p> <p>17 Q. What kind is it?</p> <p>18 A. It was an Axion camera. I don't remember the</p> <p>19 brand or the model. Sorry.</p> <p>20 Q. Do you -- is there only one model the</p> <p>21 department was using at that time?</p> <p>22 A. I don't -- I don't know for sure. I know</p> <p>23 that there might have been newer models circulating</p> <p>24 that were in trial. I don't recall though.</p> <p>25 Q. Okay. Where is the camera mounted?</p>	<p style="text-align: right;">Page 48</p> <p>1 camera footage from that night, was their audio better</p> <p>2 than the audio that was coming from yours?</p> <p>3 A. Yes. It seems that way.</p> <p>4 Q. Interesting.</p> <p>5 Would you mind if we break for two minutes</p> <p>6 while I grab an exhibit.</p> <p>7 MS. NICHOLS: Yeah.</p> <p>8 (Recess taken from 3:19 p.m. to 3:32 p.m.)</p> <p>9 Q. (BY MR. LUTZ) You had mentioned earlier when</p> <p>10 we were talking about, you know, the drama, the</p> <p>11 rapidness of the situation with Harmon and Smith that,</p> <p>12 you know, it's not the first -- your first incident</p> <p>13 like that. What did you mean by that?</p> <p>14 A. It was my first incident like that. I've</p> <p>15 since been involved in multiple other critical</p> <p>16 incidents.</p> <p>17 Q. That was the first time you were ever</p> <p>18 involved in an officer involved shooting?</p> <p>19 A. Yes.</p> <p>20 Q. Have you been involved in an officer involved</p> <p>21 shooting since?</p> <p>22 A. Yes.</p> <p>23 Q. How many?</p> <p>24 A. I think three.</p> <p>25 Q. Okay. When -- can you give me the dates of</p>

<p style="text-align: right;">Page 49</p> <p>1 those?</p> <p>2 A. No. I don't recall. There's one -- the only</p> <p>3 one that I recall is my own that was in July of 2019.</p> <p>4 Q. When you say your own, do you mean that you</p> <p>5 were the shooter?</p> <p>6 A. Yes.</p> <p>7 Q. Can you describe that situation for me.</p> <p>8 A. Knocked on a door, the guy opened the door</p> <p>9 with a gun.</p> <p>10 Q. What led up to that? Was there a warrant?</p> <p>11 A. We were called there on a psych issue.</p> <p>12 Q. Can you tell me where?</p> <p>13 MS. NICHOLS: Objection. Vague, calls for a</p> <p>14 narrative.</p> <p>15 THE WITNESS: We responded to a psych issue at a,</p> <p>16 like a apartment complex that houses mental health</p> <p>17 subjects and has on site social workers and whatnot.</p> <p>18 They called us for assistance because he was being</p> <p>19 violent and erratic, making threats. We had to go make</p> <p>20 contact, knocked on the door, he opened the door with a</p> <p>21 gun.</p> <p>22 Q. (BY MR. LUTZ) What kind of gun?</p> <p>23 A. Paintball gun. He had modified it to look</p> <p>24 like a real gun.</p> <p>25 Q. What did he do after he opened the door?</p>	<p style="text-align: right;">Page 51</p> <p>1 there. And then another one where I guess it wasn't an</p> <p>2 officer involved critical incident, but a guy was</p> <p>3 shooting rounds off in his motel room.</p> <p>4 Q. And both of those you responded and another</p> <p>5 officer fired on the --</p> <p>6 A. Not the second one.</p> <p>7 Q. -- suspect?</p> <p>8 A. The first one, yes. The one in Tooele, yes,</p> <p>9 and another officer fired, but the one at the hotel</p> <p>10 officers didn't end up firing. It wasn't a critical</p> <p>11 incident because he was popping off rounds inside his</p> <p>12 room.</p> <p>13 Q. I'm not sure how to say that. Tooele?</p> <p>14 A. Tooele.</p> <p>15 Q. And in that incident --</p> <p>16 A. Or "Toolie" if you're a true Utahan.</p> <p>17 Q. Was that -- did that result in a fatality?</p> <p>18 A. I believe so.</p> <p>19 Q. How many instances of fatal officer involved</p> <p>20 shootings are you aware of since you've been a part of</p> <p>21 the Salt Lake City Police Department?</p> <p>22 A. I don't know. I can't give you an answer on</p> <p>23 that.</p> <p>24 Q. Dozens?</p> <p>25 A. No. I -- honestly, I don't know. Maybe, I</p>
<p style="text-align: right;">Page 50</p> <p>1 A. Point the gun at my partner's head.</p> <p>2 Q. How did you respond?</p> <p>3 A. I shot him three times.</p> <p>4 Q. Where?</p> <p>5 A. The side.</p> <p>6 Q. Is it like the torso?</p> <p>7 A. Yeah.</p> <p>8 Q. Rib cage?</p> <p>9 A. Yeah. The lower torso area.</p> <p>10 Q. Did the suspect survive?</p> <p>11 A. No.</p> <p>12 Q. Sorry.</p> <p>13 A. Thanks. Me too.</p> <p>14 Q. You said the Harmon incident was your first</p> <p>15 officer involved shooting or critical incident?</p> <p>16 A. Yes.</p> <p>17 Q. And you were only 29, 28?</p> <p>18 A. 2017. 30. Close to 30.</p> <p>19 Q. So the incident that you just told me about</p> <p>20 you said was in 2020, July 2020?</p> <p>21 A. 2019.</p> <p>22 Q. 2019. What were the other?</p> <p>23 A. There was one in Tooele. Officers chased a</p> <p>24 guy all the way out to Tooele, they had just shot</p> <p>25 somebody else, and it was an officer involved critical</p>	<p style="text-align: right;">Page 52</p> <p>1 could speculate, one --</p> <p>2 Q. Personally?</p> <p>3 A. -- a year-ish.</p> <p>4 Q. You were involved in three.</p> <p>5 A. Yeah. Maybe one a year. One to two a year</p> <p>6 maybe.</p> <p>7 Q. Do you think it's more than 7 or 8 since</p> <p>8 you've been on the force?</p> <p>9 A. Maybe.</p> <p>10 Q. Is that something that officers talk about</p> <p>11 after it happens?</p> <p>12 A. What?</p> <p>13 Q. Officer involved shootings. Is that -- is it</p> <p>14 news in the department?</p> <p>15 A. The department -- the department's well aware</p> <p>16 of when there's an officer involved shooting.</p> <p>17 Q. I'm handing you what we're going to mark as</p> <p>18 Exhibit 4.</p> <p>19 (Exhibit 4 marked.)</p> <p>20 Q. (BY MR. LUTZ) Okay. Do you recognize the</p> <p>21 image, Exhibit 4?</p> <p>22 A. Yes.</p> <p>23 Q. What are you seeing there?</p> <p>24 A. My handcuffs, Patrick Harmon's knife.</p> <p>25 Q. How do you know it's Patrick Harmon's?</p>

<p style="text-align: right;">Page 53</p> <p>1 A. It's my assumption based on proximity to his 2 body. 3 Q. You didn't drop it there? 4 A. What was the question? 5 Q. You didn't drop this knife there? 6 A. No, I did not drop it. 7 Q. Did drop your handcuffs there? 8 A. No. I put the handcuffs on him. 9 Q. Oh. Another officer later took his handcuffs 10 off? 11 A. That's what I would assume. 12 Q. At that time you had been escorted out of the 13 situation? 14 A. Yes. 15 Q. Okay. I'm going to hand you what's going to 16 be marked as Exhibit 5. 17 (Exhibit 5 marked.) 18 Q. (BY MR. LUTZ) Do you recognize Exhibit 6? 19 A. Yes. 20 THE REPORTER: 5. 21 MR. LUTZ: I'm sorry, 5 thank you. 22 THE WITNESS: Those are my handcuffs. 23 Q. (BY MR. LUTZ) Okay. I'M going to hand you 24 what will be marked as Exhibit 6. 25 (Exhibit 6 marked.)</p>	<p style="text-align: right;">Page 55</p> <p>1 A. Yes. 2 Q. Can we walk through those. 3 A. Walk you through what I remember? 4 Q. Sure. When was the first allegation? 5 A. I don't recall when the first allegation was. 6 The most recent that I can recall is an excessive use 7 of the force complaint for ordering one of my officers 8 to use a less lethal shotgun with a lady that was 9 harming herself. 10 Q. When did that happen? 11 A. January-February. Maybe February-March. 12 Somewhere in there. 13 Q. This year -- 14 A. Yes. 15 Q. -- 2022? 16 All right. Tell me about that incident. 17 A. The lady was cutting herself with something 18 in her hand, so an officer had the less lethal shotgun 19 and I told him to deploy it. 20 Q. Were you there on the scene? 21 A. Yes. 22 Q. Why were you called there? 23 A. Because of a suicidal female. 24 Q. What were you trying to accomplish by 25 ordering deployment of the shotgun?</p>
<p style="text-align: right;">Page 54</p> <p>1 Q. (BY MR. LUTZ) Do you recognize Exhibit 6? 2 A. It's a much skinnier version of myself, yes. 3 Q. Is this a accurate -- this an image of you on 4 the day of the officer involved shooting? 5 A. Yes. 6 Q. And when was this photo taken? 7 A. Much later. I don't recall exactly when, but 8 you can see -- you asked me about my body camera. I 9 had it mounted to my belt (indicating). 10 Q. Can you circle on here for me where the body 11 camera lens is. 12 A. It was like right collar. 13 Q. Great. Thank you. That's all. 14 Is there a reason that you're in a slightly 15 different uniform than Officers Fox and Smith were? Is 16 that just a matter of preference? 17 A. If I am in a different uniform, then yes. I 18 think the only difference that I had was I was wearing 19 shorts trying to look like a post office worker. 20 Q. Okay. You can put it aside if you want. 21 A. (Complies.) 22 Q. Do you have any disciplinary history at the 23 SLCPD? 24 A. I have nothing sustained. 25 Q. Have there been allegations in the past?</p>	<p style="text-align: right;">Page 56</p> <p>1 A. Get her to drop the weapon so we could move 2 up and secure her. 3 Q. And the officer did in fact fire on her? 4 A. Uh-huh. 5 Q. Did it hit her? 6 A. Yes. 7 Q. Where did it hit her? 8 A. I think in the leg. 9 Q. And did that have the intended effect? 10 A. No. 11 Q. What happened? 12 A. She went and sat down. 13 Q. But maintained control of the knife? 14 A. Yes. 15 Q. What happened next? 16 A. She dropped it at some point and we moved up 17 with a ladder and pinned her against the wall. The 18 officer moved in grabbed each arm, placed her in 19 handcuffs, transported her to the hospital. 20 Q. Can you explain the ladder? 21 A. It's called a standoff tool because we still 22 weren't sure if she had something in her hands. We 23 used the ladder to pin her up against the wall so all 24 officers can move in and grab her arms. 25 Q. I see. So were you able to take her into</p>

<p style="text-align: right;">Page 57</p> <p>1 custody for that?</p> <p>2 A. Yes.</p> <p>3 Q. And was it her who filed a complaint against</p> <p>4 her?</p> <p>5 A. It was her son.</p> <p>6 Q. Okay. How do you -- did he witness the</p> <p>7 event?</p> <p>8 A. She was on the phone with him during the</p> <p>9 event.</p> <p>10 Q. Okay. So you were made aware of that</p> <p>11 complaint, but never received any disciplinary action</p> <p>12 from the department?</p> <p>13 A. No.</p> <p>14 Q. Okay.</p> <p>15 A. I was exonerated.</p> <p>16 Q. How many other excessive force complaints</p> <p>17 have been filed against you?</p> <p>18 A. I don't -- I don't know. I don't know if any</p> <p>19 others that I can recall right now.</p> <p>20 Q. None sustained?</p> <p>21 A. No.</p> <p>22 Q. But you don't recall if there have been?</p> <p>23 A. Never -- no. I've never had a complaint or</p> <p>24 any type of IA disciplinary action sustained.</p> <p>25 Q. You don't remember the circumstances of any</p>	<p style="text-align: right;">Page 59</p> <p>1 A. Reviewing state law regarding use of force,</p> <p>2 reviewing department policy, and then moving on to</p> <p>3 scenarios.</p> <p>4 Q. Can you summarize for me what the department</p> <p>5 policy says about use of force?</p> <p>6 MS. NICHOLS: I'm going to object to the extent</p> <p>7 that, you know, we can see the document and discuss it.</p> <p>8 But you can testify as to what you can recall</p> <p>9 at this point.</p> <p>10 THE WITNESS: That would be what's reasonable and</p> <p>11 necessary.</p> <p>12 Q. (BY MR. LUTZ) Is permitted?</p> <p>13 A. Yes.</p> <p>14 Q. That which is -- under Salt Lake City Police</p> <p>15 Department policy, when is use of deadly force</p> <p>16 justified?</p> <p>17 A. If you have a reasonable belief that your</p> <p>18 life is in danger or -- your life is in danger or</p> <p>19 you're in danger of serious bodily injury or that of</p> <p>20 someone else.</p> <p>21 Q. Are you trained on federal law on the Fourth</p> <p>22 Amendment excessive force standard?</p> <p>23 A. I don't think specifically --</p> <p>24 Q. Do you know --</p> <p>25 A. -- if we're trained on the Fourth Amendment.</p>
<p style="text-align: right;">Page 58</p> <p>1 other allegations against you?</p> <p>2 A. There was one I think in 2018 maybe -- maybe</p> <p>3 '19. I instructed a group of individuals to move off</p> <p>4 the sidewalk and one of them called and filed a</p> <p>5 complaint about me. Or against me.</p> <p>6 Q. For what?</p> <p>7 A. For telling him to move off the sidewalk.</p> <p>8 Q. Did they phrase that as a discourtesy or</p> <p>9 something of that nature?</p> <p>10 A. No. He said that I didn't have any authority</p> <p>11 to tell him to move off the sidewalk.</p> <p>12 Q. Okay. I want to talk a little bit about the</p> <p>13 department's use of force policies and your training</p> <p>14 related to that. Did you attend academy, training</p> <p>15 academy with SLCPD?</p> <p>16 A. Yes.</p> <p>17 Q. What did your training regarding the use of</p> <p>18 force consist of at the academy?</p> <p>19 A. It's a very broad question. There's a lot</p> <p>20 involved in use of force. Weeks of training, months of</p> <p>21 training.</p> <p>22 Q. How many hours would you say?</p> <p>23 A. I don't know.</p> <p>24 Q. Where does that training start? How do they</p> <p>25 introduce the concept?</p>	<p style="text-align: right;">Page 60</p> <p>1 Q. What do you know about the Fourth Amendment</p> <p>2 standard?</p> <p>3 A. I know that the Fourth Amendment deals with</p> <p>4 the right to search and seizure.</p> <p>5 Q. And is it your understanding that use of</p> <p>6 force is seizure?</p> <p>7 A. Yes.</p> <p>8 Q. Are you trained on the Graham factors?</p> <p>9 A. Yes, Graham v. Connor.</p> <p>10 Q. Can you tell what those factors are?</p> <p>11 A. Yes.</p> <p>12 Q. What are they?</p> <p>13 A. Severity of the crime, subject actions, and</p> <p>14 is it likelihood to flee? I can't recall the third one</p> <p>15 right now. Or the last two I guess.</p> <p>16 Q. So you were taught on that subject --</p> <p>17 A. Yes.</p> <p>18 Q. -- the Graham factors in the academy?</p> <p>19 Have you done -- is there continual</p> <p>20 training --</p> <p>21 A. Yes.</p> <p>22 Q. -- on the subject?</p> <p>23 What does that look like? How often?</p> <p>24 A. We have to complete at least 40 hours of</p> <p>25 training every year to maintain our certification.</p>

<p style="text-align: right;">Page 61</p> <p>1 Q. Certification for what?</p> <p>2 A. Your law enforcement officer certification.</p> <p>3 Q. Okay. I assume you also receive training on</p> <p>4 less than lethal --</p> <p>5 A. Yes.</p> <p>6 Q. -- use of force? And is that training</p> <p>7 continuous?</p> <p>8 A. Yes.</p> <p>9 Q. How many hours a year?</p> <p>10 A. It's in that 40 hours. I don't know exactly</p> <p>11 how many hours a year, but all of it is something that</p> <p>12 we continually train on. I just did a line of training</p> <p>13 the other day on the use of taser.</p> <p>14 Q. Could you tell me in general when under</p> <p>15 departmental policy you would be -- an officer would be</p> <p>16 justified in using a taser?</p> <p>17 A. Yes. If the subject is violent -- is violent</p> <p>18 or hurting themselves.</p> <p>19 Q. What about if the suspect is fleeing, but</p> <p>20 nonviolent?</p> <p>21 A. Near flight without any other factors is not</p> <p>22 sufficient to tase.</p> <p>23 Q. Would other less lethal force options be</p> <p>24 permitted?</p> <p>25 A. Yes.</p>	<p style="text-align: right;">Page 63</p> <p>1 don't know.</p> <p>2 Q. Can you see how I'm struggling with that?</p> <p>3 A. No.</p> <p>4 Q. Are they so common that they don't stand out</p> <p>5 in your mind?</p> <p>6 A. Just a regular use of force, yes, happens a</p> <p>7 couple times a week. Probably or two times a week.</p> <p>8 Q. Over a nine-year career?</p> <p>9 A. Yeah.</p> <p>10 Q. Okay.</p> <p>11 A. Maybe -- I don't know. I don't know. I</p> <p>12 don't know what the average nine-year officer uses.</p> <p>13 Like, I don't know. I don't have any idea.</p> <p>14 Q. Does policy require that you report use of</p> <p>15 force incidents?</p> <p>16 A. Yes.</p> <p>17 Q. In any instance?</p> <p>18 A. Yes.</p> <p>19 Q. So in every instance that you've used force</p> <p>20 against a suspect or individual you've written a report</p> <p>21 of that?</p> <p>22 A. Yes.</p> <p>23 Q. Okay.</p> <p>24 A. It has been reported and this incident I</p> <p>25 didn't write a report about. My testimony was taken</p>
<p style="text-align: right;">Page 62</p> <p>1 Q. Like what?</p> <p>2 MS. NICHOLS: Sorry. Do you mean in flight?</p> <p>3 MR. LUTZ: Yeah. In the circumstance that you</p> <p>4 have a nonviolent, fleeing suspect.</p> <p>5 THE WITNESS: If the only information that you</p> <p>6 have is flight, no other factors, no. I don't see</p> <p>7 anything that would be reasonable to use in that</p> <p>8 circumstance.</p> <p>9 Q. (BY MR. LUTZ) How many use of force incidents</p> <p>10 do you think you've been involved in in your career</p> <p>11 with SLCPD?</p> <p>12 A. Not a clue.</p> <p>13 Q. More than 50?</p> <p>14 A. I, honestly, have no idea.</p> <p>15 Q. Those aren't significant to you in any way?</p> <p>16 A. That's not what I said.</p> <p>17 Q. Well, so don't they stand out in your mind?</p> <p>18 A. Some, yes. But when you've been doing the</p> <p>19 job for seven years or almost seven years, nine years,</p> <p>20 including the jail, it's a lot of use of force</p> <p>21 incidents.</p> <p>22 Q. Is it possible it's hundreds?</p> <p>23 A. It's possible. I don't -- I honestly could</p> <p>24 not tell you. If you told me it was 40, I'd agree with</p> <p>25 you. If you told me it was 200, I'd agree with you. I</p>	<p style="text-align: right;">Page 64</p> <p>1 orally.</p> <p>2 Q. Okay.</p> <p>3 A. Maybe I did report it. Have I reported it?</p> <p>4 I can't remember.</p> <p>5 Q. In your career as a deputy in the jail?</p> <p>6 A. Uh-huh.</p> <p>7 Q. Were you ever subject to any inmate</p> <p>8 grievances?</p> <p>9 A. One.</p> <p>10 Q. What were the allegations there?</p> <p>11 A. The inmate claimed that I sexually assaulted</p> <p>12 him while he was walking up the stairs.</p> <p>13 Q. And what was the result of that</p> <p>14 investigation?</p> <p>15 A. My lieutenant watched the video camera and it</p> <p>16 was clear that that did not happen.</p> <p>17 Q. Okay. So unsustained?</p> <p>18 A. Unsustained. Exonerated.</p> <p>19 Q. Any other inmate grievances?</p> <p>20 A. Not that I recall.</p> <p>21 MR. LUTZ: You guys want to take a break?</p> <p>22 MS. NICHOLS: Sure.</p> <p>23 MR. LUTZ: We should not have terribly much more.</p> <p>24 (Recess taken from 3:55 p.m. to 4:12 p.m.)</p> <p>25 Q. (BY MR. LUTZ) Going back to your military</p>

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1 history, were you ever subject to discipline in the
2 military?
3 **A. No.**
4 **Q. Okay. Ever accused of any disciplinary**
5 **infractions?**
6 **A. No.**
7 **Q. Were you involved in any shootings in the**
8 **military?**
9 **A. No.**
10 **Q. Did you ever discharge your weapon outside of**
11 **a military training setting?**
12 **A. No.**
13 **Q. Going back to the Harmon shooting, before you**
14 **heard Fox's shots were you aware that Fox had drawn his**
15 **gun?**
16 **A. No.**
17 **Q. You didn't see Fox draw his gun?**
18 **A. No. Not that I recall.**
19 **Q. When you spoke with Officer Smith about the**
20 **warrant that existed --**
21 **A. Uh-huh.**
22 **Q. -- did he tell you what the crime was?**
23 **A. I don't recall. I know he said it was a**
24 **felony 2 and I know now -- or I believe now that it was**
25 **aggravated assault, but I can't recall if that was,**

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1 **like, brought up during that time or not.**
2 **Q. So you don't recall if he told you?**
3 **A. No.**
4 **Q. Did you tell Officer Fox that the warrant was**
5 **for felony assault?**
6 **A. I don't think so, but I don't recall. I**
7 **don't think so.**
8 **Q. That would be on your body cam?**
9 **A. Yeah, I don't think that it's said on the**
10 **body cam.**
11 **Q. Okay. You mentioned earlier that you learned**
12 **that the microphone on your Axon on camera was not**
13 **functioning well on the night of the Harmon shooting?**
14 **A. Yes.**
15 **Q. How did you learn that?**
16 **A. I can't recall exactly, but I was -- I think**
17 **I was reviewing another case before going to court and**
18 **the volume was all jumbled and so I went and had to**
19 **replace my camera. I can't remember if I replaced the**
20 **camera or replaced the cord or what, but I had to go**
21 **get that fixed because I couldn't hear anything on my**
22 **body cam.**
23 **Q. Why were you reviewing a case?**
24 **A. Before court.**
25 **Q. Okay. What was the name of the defendant --**

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1 **A. I don't have any -- I don't recall.**
2 **Q. -- to case?**
3 **A. I don't know.**
4 **Q. Could we find that out?**
5 **A. Probably not. I honestly don't have any idea**
6 **how we would find out.**
7 **Q. What was the court date?**
8 **A. I don't have any idea.**
9 **Q. How far back in time was this?**
10 **A. This would have been sometime after that, so**
11 **sometime in -- well, yeah, I don't know. I can't**
12 **remember how long after this incident that I replaced**
13 **my body camera. It was -- as soon as I replaced it**
14 **would have been when I learned about it. I mean, it**
15 **might not have even been reviewing for court. It could**
16 **have been reviewing for a report or something. I don't**
17 **know. I just remember that I was reviewing body cam**
18 **and learned that my audio was distorted.**
19 **Q. Okay. Approximately how long after?**
20 **A. I honestly don't know.**
21 **Q. At all?**
22 **A. No.**
23 **Q. Could it have been years?**
24 **A. No. Within years we upgrade our body cameras**
25 **to different ones.**

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1 **Q. I'm just wondering how long you were walking**
2 **around with a broken body camera.**
3 **A. Yeah, I don't know. I would hope not very**
4 **long.**
5 **Q. Because that would impact a lot of cases**
6 **potentially?**
7 **A. Potentially.**
8 **Q. Going hands on twice a week?**
9 **A. Potentially.**
10 **Q. So --**
11 **A. Once I learned of it, I got it remedied.**
12 **Q. So that could have been anywhere between**
13 **weeks, months, years?**
14 **A. A couple weeks, a couple months. I would**
15 **guess something like that. I don't know. It was a**
16 **long time ago.**
17 **Q. Is there any requirement that you check the**
18 **condition of your equipment before you go out, or**
19 **periodically?**
20 **MS. NICHOLS: Sorry. By equipment do you mean**
21 **body cams or any equipment?**
22 **MR. LUTZ: I'm really referring to any equipment,**
23 **but let's just talk about your body cam.**
24 **Q. (BY MR. LUTZ) Do you have to make sure it's**
25 **working at any point?**

<p style="text-align: right;">Page 69</p> <p>1 A. Yes. And when I turned it on, it was</p> <p>2 working.</p> <p>3 Q. How do you tell?</p> <p>4 A. Because it beeps at you and then there's a</p> <p>5 little red light that flashes that says it's recording.</p> <p>6 Q. But you're not reviewing footage or audio?</p> <p>7 A. Not very often.</p> <p>8 Q. Under what circumstance would you?</p> <p>9 A. Like I said before, court or if I needed</p> <p>10 something specific from a case, something specific that</p> <p>11 a person said on scene, but back then we didn't have</p> <p>12 the app that we have now, so back then it wasn't easy</p> <p>13 to do. Now we have an app. You pull it up, you watch</p> <p>14 the video. Back then you had to plug it into your</p> <p>15 computer and go through -- I can't even remember what</p> <p>16 the process was, but it was a big process to be able to</p> <p>17 review your body cam.</p> <p>18 Q. Are you aware that the district attorney's</p> <p>19 office reviewed Mr. Harmon's shooting?</p> <p>20 A. Yes.</p> <p>21 Q. Did you ever review the district attorney's</p> <p>22 office findings?</p> <p>23 A. I don't recall.</p> <p>24 Q. Do you know what they were?</p> <p>25 A. I know that -- or my understanding was that</p>	<p style="text-align: right;">Page 71</p> <p>1 combine that with what I was observing and knew to be</p> <p>2 going on, it was very reasonable to believe that</p> <p>3 Patrick Harmon was turning back towards us with a knife</p> <p>4 and was going to stab or try to kill or try to do</p> <p>5 serious bodily injury to one of us.</p> <p>6 Q. But as you said before, you never saw a knife</p> <p>7 in his hand?</p> <p>8 MS. NICHOLS: Objection, misstates testimony.</p> <p>9 THE WITNESS: My understanding is that Fox did, so</p> <p>10 if I was in Fox's shoes and I saw him turn back towards</p> <p>11 me with a knife, then yes, I would have done the same</p> <p>12 thing.</p> <p>13 Q. (BY MR. LUTZ) Are you basing that on what</p> <p>14 Officer Fox told you?</p> <p>15 A. I'm basing that on what I know of the case.</p> <p>16 Q. Which is the statements and the proximity of</p> <p>17 the knife to him on the ground?</p> <p>18 A. Yes.</p> <p>19 Q. Are you aware that they tested the knife that</p> <p>20 you're talking about for DNA and latent fingerprints?</p> <p>21 A. No.</p> <p>22 (Exhibit 7 marked.)</p> <p>23 Q. (BY MR. LUTZ) I'm handing you Exhibit 7.</p> <p>24 MS. NICHOLS: Can I have a copy?</p> <p>25 MR. LUTZ: Yes. Thanks.</p>
<p style="text-align: right;">Page 70</p> <p>1 Sim cleared Officer Fox, but then later passed it on to</p> <p>2 the FBI.</p> <p>3 Q. Sim is Sim Gill --</p> <p>4 A. Yes.</p> <p>5 Q. -- district attorney?</p> <p>6 But you don't ever remember reading that?</p> <p>7 A. I might have.</p> <p>8 Q. Do you agree with the district attorney's</p> <p>9 decision?</p> <p>10 MS. NICHOLS: Objection to the extent it calls for</p> <p>11 a legal conclusion.</p> <p>12 THE WITNESS: Do I answer?</p> <p>13 MS. NICHOLS: Yeah.</p> <p>14 THE WITNESS: Yes.</p> <p>15 Q. (BY MR. LUTZ) Why?</p> <p>16 A. Because I would have done the same thing if I</p> <p>17 was him in Fox's position.</p> <p>18 Q. So you believe Officer Fox was justified in</p> <p>19 shooting Mr. Harmon?</p> <p>20 MS. NICHOLS: Objection, calls for a legal</p> <p>21 conclusion.</p> <p>22 You can answer.</p> <p>23 THE WITNESS: Yes.</p> <p>24 Q. (BY MR. LUTZ) Based on what?</p> <p>25 A. Based on my understanding of what he saw, and</p>	<p style="text-align: right;">Page 72</p> <p>1 Q. (BY MR. LUTZ) Have you ever seen one of these</p> <p>2 reports before?</p> <p>3 A. No.</p> <p>4 Q. I'll represent to you it's titled Crime Lab</p> <p>5 Analysis Report Latent Print Processing. Did you read</p> <p>6 that bottom paragraph?</p> <p>7 A. Yes.</p> <p>8 Q. So on the bottom paragraph here the analyst</p> <p>9 responsible for authoring this report writes swabbed</p> <p>10 the handle -- "I first swabbed the handle of the knife</p> <p>11 for any potential touch DNA. Processed knife with</p> <p>12 black powder. Nothing of value is recovered."</p> <p>13 What do you take that to mean?</p> <p>14 MS. NICHOLS: Objection, vague. It calls for</p> <p>15 speculation.</p> <p>16 THE WITNESS: That nothing of value was recovered.</p> <p>17 Q. (BY MR. LUTZ) If I represent to you that this</p> <p>18 indicates that there were no fingerprints or DNA</p> <p>19 recovered on that knife, would that surprise you?</p> <p>20 MS. NICHOLS: Objection, vague, calls for</p> <p>21 speculation.</p> <p>22 THE WITNESS: Are you asking if it would surprise</p> <p>23 me that that's what this says or surprise me that that</p> <p>24 was the case?</p> <p>25 Q. (BY MR. LUTZ) I suppose that that was the</p>

<p style="text-align: right;">Page 73</p> <p>1 case, presuming that this is accurate.</p> <p>2 A. I guess yes and no. But I would assume</p> <p>3 that -- well, I know, based on my knowledge of law</p> <p>4 enforcement, that, you know, sometimes DNA and</p> <p>5 fingerprints aren't found, sometimes they are. So yes</p> <p>6 and no.</p> <p>7 Q. Okay. So you wouldn't draw any conclusion --</p> <p>8 you wouldn't draw any conclusion from that?</p> <p>9 A. No. Well, yeah, I don't know.</p> <p>10 Q. Okay. Did you ever communicate -- and you</p> <p>11 don't have to -- don't tell me what, but did you ever</p> <p>12 communicate with a police union attorney about this</p> <p>13 case?</p> <p>14 A. Hold on. I'm trying to remember. I don't</p> <p>15 think so.</p> <p>16 Q. Any other attorneys other than from the city</p> <p>17 attorneys office?</p> <p>18 A. I don't think so.</p> <p>19 Q. We talked earlier about --</p> <p>20 You can put that aside.</p> <p>21 A. (Complies.)</p> <p>22 Q. -- about the extensive training you've</p> <p>23 received on use of force, and I believe you mentioned</p> <p>24 that you had studied many different use of force areas.</p> <p>25 Is that accurate?</p>	<p style="text-align: right;">Page 75</p> <p>1 that scenario, what do you do. Set up, you know, you</p> <p>2 make sure you put a barrier between yourself and them,</p> <p>3 establish communications, use less lethal options if</p> <p>4 possible.</p> <p>5 Q. In addition to that scenario, have you role</p> <p>6 played other scenarios with a suspect you think has a</p> <p>7 knife?</p> <p>8 A. Another scenario is if a suspect with a knife</p> <p>9 charges at you. I've done it in an area that we can</p> <p>10 measure, so we've been able to test the 21-foot rule.</p> <p>11 Q. Have you received any training or guidance in</p> <p>12 distinguishing a weapon in a suspect's possession</p> <p>13 versus an innocent object?</p> <p>14 A. Yes.</p> <p>15 Q. Tell me more.</p> <p>16 MS. NICHOLS: Objection, vague.</p> <p>17 THE WITNESS: We've had scenarios where somebody</p> <p>18 pulled up a cellphone or a wallet really quickly, you</p> <p>19 know. When you can't see their hands you just yell let</p> <p>20 me see your hands, let me see your hands, let me see</p> <p>21 your hands. They really quickly pull up an object</p> <p>22 that's not a weapon. And the idea of that is to teach</p> <p>23 you that even though it's only a split second, you have</p> <p>24 to be kind of able to judge correctly.</p> <p>25 Q. (BY MR. LUTZ) And have you role played that</p>
<p style="text-align: right;">Page 74</p> <p>1 A. We -- yes.</p> <p>2 Q. Have you been specifically trained on how to</p> <p>3 respond to a knife wielding suspect?</p> <p>4 A. Yes.</p> <p>5 Q. What are the takeaways from that training?</p> <p>6 MS. NICHOLS: Objection, vague.</p> <p>7 THE WITNESS: There's a few. Yeah, if -- it</p> <p>8 starts with verbal deescalation. If you have the time</p> <p>9 and opportunity, there's also what's called the 21-foot</p> <p>10 rule that was -- that we've learned that we were taught</p> <p>11 a lot. The idea being that if a suspect wielding a</p> <p>12 knife is within 21 feet of you, they can make it to you</p> <p>13 and do harm to you before you have the option to draw</p> <p>14 out and fire your weapon.</p> <p>15 Obviously things like standoff tools when</p> <p>16 necessary, when reasonable and available. Kind of like</p> <p>17 I told you about the other lady. You know, tasers if</p> <p>18 reasonable. But we are very well aware that a knife is</p> <p>19 a lethal weapon.</p> <p>20 Q. (BY MR. LUTZ) Can you describe for me any</p> <p>21 specific scenarios you've been trained on that involve</p> <p>22 a knife wielding subject?</p> <p>23 A. A scenario of a male walking around with a</p> <p>24 knife to his throat or a subject walking around with a</p> <p>25 knife to their throat. And, you know, you're given</p>	<p style="text-align: right;">Page 76</p> <p>1 scenario --</p> <p>2 A. Yes.</p> <p>3 Q. -- in training?</p> <p>4 A. Yes.</p> <p>5 Q. Many times?</p> <p>6 A. I'd say many times, yeah.</p> <p>7 Q. Have you followed the news on this case?</p> <p>8 A. No.</p> <p>9 Q. Have you seen any news reports?</p> <p>10 A. Not since it first happened.</p> <p>11 Q. Did you when it first happened?</p> <p>12 A. I saw them, but I didn't follow them.</p> <p>13 Q. Do you recall how seeing those made you feel?</p> <p>14 MS. NICHOLS: Objection, vague.</p> <p>15 THE WITNESS: No. I don't recall.</p> <p>16 Q. (BY MR. LUTZ) Were you ever worried that you</p> <p>17 were going to be disciplined for your involvement in</p> <p>18 the Harmon incident?</p> <p>19 A. No.</p> <p>20 Q. Were you ever worried that you might be</p> <p>21 involved in a lawsuit because of the Harmon incident?</p> <p>22 A. Not worried, aware.</p> <p>23 Q. What did you think about that?</p> <p>24 A. It's part of the job.</p> <p>25 Q. You haven't been involved in other lawsuits;</p>

<p style="text-align: right;">Page 77</p> <p>1 right?</p> <p>2 A. Not as far as I'm aware, but I think that the</p> <p>3 potential is still there. So yes, all of us as</p> <p>4 officers are aware that we could potentially be</p> <p>5 involved in lawsuits.</p> <p>6 Q. Did you ever speak with Detective Bench about</p> <p>7 the facts of this case?</p> <p>8 A. Is that a Unified guy or a Salt Lake guy?</p> <p>9 Q. I believe that he's a detective with the UPD.</p> <p>10 A. Then that might have been the guy that I</p> <p>11 talked to that interviewed me.</p> <p>12 Q. I asked you earlier why you came in uniform</p> <p>13 if you're not on duty.</p> <p>14 A. Because I look good in uniform.</p> <p>15 Q. Fair enough, but I'm not going to disagree.</p> <p>16 I notice you're also armed. Why did you come armed?</p> <p>17 A. Because I drove my police car.</p> <p>18 Q. Does it require you to be armed to drive your</p> <p>19 police car?</p> <p>20 A. Yes.</p> <p>21 Q. Was it important for us to know that you were</p> <p>22 armed today? Did you want us to know that you were</p> <p>23 armed?</p> <p>24 A. I would assume that you know that any police</p> <p>25 officer is always armed.</p>	<p style="text-align: right;">Page 79</p> <p>1 crime rate, basically?</p> <p>2 A. High crime.</p> <p>3 Q. What types of criminal activity would be</p> <p>4 common to find around there in 2017?</p> <p>5 A. Everything from trespass, drug possession,</p> <p>6 assaults, aggravated assaults, shootings, stabbings.</p> <p>7 Everything.</p> <p>8 Q. Officer Smith stopped Mr. Harmon he says</p> <p>9 because Mr. Harmon didn't have a taillight on his bike</p> <p>10 and ran across all six lanes of I guess State Street.</p> <p>11 Have you ever stopped someone for not having a</p> <p>12 taillight on a bike?</p> <p>13 A. I've stopped someone for not having a</p> <p>14 headlight at night many, many, many times.</p> <p>15 Q. On a bicycle?</p> <p>16 A. Uh-huh.</p> <p>17 Q. Not a taillight though?</p> <p>18 A. I don't -- I don't think so. Headlight or</p> <p>19 crossing lanes of traffic many times.</p> <p>20 Q. In your experience patrolling with other</p> <p>21 officers seeing somebody with -- seeing a civilian</p> <p>22 riding around without a taillight on their bicycle,</p> <p>23 would most officers respond to that by stopping that</p> <p>24 civilian?</p> <p>25 MS. NICHOLS: Objection, calls for speculation.</p>
<p style="text-align: right;">Page 78</p> <p>1 Q. I'm just going to say we deposed police a</p> <p>2 lot. Most of them don't bring their guns.</p> <p>3 A. If they show up in uniform -- well, I</p> <p>4 guarantee they bring their guns. I'll tell you that</p> <p>5 right now.</p> <p>6 Q. If they show it?</p> <p>7 A. No. Even if they don't, they have a gun</p> <p>8 concealed on them somewhere guaranteed.</p> <p>9 Q. I forgot to put it in the deposition notice.</p> <p>10 A. Yeah.</p> <p>11 Q. Okay. Have you ever reviewed your own</p> <p>12 training records?</p> <p>13 A. No.</p> <p>14 Q. To your knowledge, are you up to date on all</p> <p>15 of your trainings?</p> <p>16 A. Yes. In everything except for the</p> <p>17 intoxilyzer.</p> <p>18 Q. Okay.</p> <p>19 A. Which is the blow in the machine for DUI.</p> <p>20 Q. Do you just not do that anymore because</p> <p>21 you're a sergeant?</p> <p>22 A. Yes.</p> <p>23 Q. I wanted to ask you the area where Officer</p> <p>24 Fox shot Mr. Harmon right around 1000 -- 1050 State</p> <p>25 Street. How would you describe that area in terms of</p>	<p style="text-align: right;">Page 80</p> <p>1 THE WITNESS: Most officers on that shift at that</p> <p>2 time, yes.</p> <p>3 Q. (BY MR. LUTZ) Have you ever been involved in</p> <p>4 stopping somebody for a missing taillight?</p> <p>5 A. I can't say for sure.</p> <p>6 Q. Okay. I have to return one more time to</p> <p>7 something that we've talked about already. I'll</p> <p>8 probably get an objection here.</p> <p>9 You don't recall whether or not you saw a</p> <p>10 knife in Mr. Harmon's hands. That's your testimony;</p> <p>11 right?</p> <p>12 MS. NICHOLS: Objection, asked and answered.</p> <p>13 THE WITNESS: Yes.</p> <p>14 Q. (BY MR. LUTZ) You understand that if that was</p> <p>15 true -- whether or not that was true, that there was a</p> <p>16 knife in his hand, and whether or not Officer Fox saw</p> <p>17 that could be the difference between him being</p> <p>18 justified and not justified; right?</p> <p>19 MS. NICHOLS: Objection, calls for a legal</p> <p>20 conclusion.</p> <p>21 THE WITNESS: I understand that on a general</p> <p>22 basis, yes.</p> <p>23 Q. (BY MR. LUTZ) And it not being justified</p> <p>24 could have enormous consequences for Officer Fox?</p> <p>25 MS. NICHOLS: Objection, calls for a legal</p>

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1 conclusion.

2 **THE WITNESS: Sure.**

3 Q. (BY MR. LUTZ) And Officer Fox is your friend?

4 **A. Yes.**

5 Q. And your colleague --

6 **A. Yes.**

7 Q. -- of many years? And I presume you care

8 about what happens to him?

9 **A. Of course.**

10 Q. Why would the facts that determine what was

11 going to happen to him, the determinative fact, not

12 stand out in your mind?

13 MS. NICHOLS: Objection, argumentative and asked

14 and answered.

15 **THE WITNESS: Sitting here today, I don't recall.**

16 MR. LUTZ: Okay. That's all I have for you right

17 now.

18 MS. NICHOLS: Can I take five minutes --

19 MR. LUTZ: Absolutely.

20 MS. NICHOLS: -- and double check?

21 (Recess taken from 4:36 p.m. to 4:40 p.m.)

22 EXAMINATION

23 BY MS. NICHOLS:

24 Q. Sergeant Robinson, you testified, I believe,

25 that you didn't believe use of force would be

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1 appropriate when a suspect is fleeing. Is that the

2 case in all circumstances?

3 **A. No. What I was referring to is the use of**

4 **specifically taser or additional tools may not be**

5 **necessary based on mere flight, however, physical force**

6 **would require to tackle the suspect. However,**

7 **circumstances change. If the suspect produces a weapon**

8 **or something changes, then, you know, that would change**

9 **the level of force that we're allowed to use. Or that**

10 **would be reasonable.**

11 MS. NICHOLS: I don't have any other questions.

12 MR. LUTZ: Can I ask one more.

13 FURTHER EXAMINATION

14 BY MR. LUTZ:

15 Q. Referring back to the night of August 13,

16 2017, were you wearing any protective armor --

17 **A. Yes.**

18 Q. -- on your uniform?

19 MS. NICHOLS: I'm going to object. That's not

20 within the scope of my question.

21 MR. LUTZ: Fair enough. Okay. We're done.

22 **THE WITNESS: Okay.**

23 MS. NICHOLS: The witness would like to read and

24 sign, please.

25 (The proceedings ended at 4:42 p.m.)

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1 STATE OF UTAH)

2) ss.

3 COUNTY OF SALT LAKE)

4 REPORTER'S CERTIFICATE

5 I, Amanda Richards, certified shorthand reporter

6 for the State of Utah, certify:

7 That the deposition of the witness herein was

8 taken before me at the time and place herein set forth,

9 at which time the witness was by me duly sworn to

10 testify the truth; that the testimony of the witness

11 and all objections made and all proceedings had of

12 record at the time of the examination were

13 stenographically reported and transcribed by me.

14 That the foregoing transcript, as transcribed by

15 me, is a full, true and correct record of my

16 stenographic notes so taken; that review of the

17 transcript by the witness was requested pursuant to

18 Rule 30(e) of the Utah Rules of Civil Procedure.

19 I further certify that I am neither counsel for

20 nor related to any party to said action, nor in anywise

21 interested in the outcome thereof.

22 IN WITNESS WHEREOF, I have subscribed my name

23 below this 5th day of July 2022.

24 Amanda Richards

25 Amanda Richards, CSR

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1 WITNESS CERTIFICATE

2 I, SCOTT ROBINSON, HEREBY DECLARE:

3 That I am the witness referred to in the

4 foregoing deposition, and that I have read the

5 foregoing deposition testimony and have made any

6 changes/corrections I deem necessary below and

7 together the same truly and accurately reflect my

8 testimony.

9 PAGE-LINE:	CHANGE/CORRECTION	REASON:
10		
11		
12		
13		
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15		
16		
17		
18		

19 I, SCOTT ROBINSON, hereby declare under the

20 penalties of perjury of the laws of the United States

21 of America and the laws of the State of Utah that the

22 foregoing is true and correct.

23 DATED _____, 20____.

24 _____

25 SCOTT ROBINSON

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<div>Exhibits</div> <div>Exhibit 04 52:18,19,21</div> <div>Exhibit 05 53:16,17</div> <div>Exhibit 06 53:18,24,25 54:1</div> <div>Exhibit 07 71:22,23</div> <div>1</div> <div>1000 78:24</div> <div>1050 78:24</div> <div>10:00 13:5,6</div> <div>10th 17:22</div> <div>13 82:15</div> <div>13th 16:13</div> <div>16 4:1</div> <div>17 12:7</div> <div>19 58:3</div> <div>2</div> <div>2 19:19 21:2,3,4,8 65:24</div> <div>200 62:25</div> <div>2013 8:20 14:17</div> <div>2015 8:14,22 13:25</div> <div>2016 13:16</div> <div>2017 12:22 13:16,25 16:13 17:4 50:18 79:4 82:16</div> <div>2018 58:2</div> <div>2019 49:3 50:21,22</div> <div>2020 50:20</div> <div>2022 4:1 55:15</div> <div>21 74:12</div> <div>21-foot 74:9 75:10</div> <div>28 50:17</div> <div>29 50:17</div> <div>2:01 4:1</div> <div>2:42 33:6</div> <div>2:59 33:6</div> <div>3</div> <div>3 27:20,22 29:19</div> <div>30 25:16 50:18</div> <div>300 12:14 17:19</div> <div>34 11:5</div>	<div>3:19 48:8</div> <div>3:32 48:8</div> <div>3:55 64:24</div> <div>4</div> <div>4 52:18,19,21</div> <div>40 60:24 61:10 62:24</div> <div>475 17:19</div> <div>4:12 64:24</div> <div>4:36 81:21</div> <div>4:40 81:21</div> <div>4:42 82:25</div> <div>5</div> <div>5 53:16,17,20,21</div> <div>50 62:13</div> <div>6</div> <div>6 53:18,24,25 54:1</div> <div>7</div> <div>7 52:7 71:22,23</div> <div>70 11:12</div> <div>8</div> <div>8 52:7</div> <div>9</div> <div>99 21:2,4,7</div> <div>9:30 13:4,5 15:11</div> <div>A</div> <div>ability 6:10</div> <div>Absolutely 81:19</div> <div>academy 58:14,15,18 60:18</div> <div>access 33:9</div> <div>accomplish 55:24</div> <div>accurate 44:19 54:3 73:1,25</div> <div>accuse 42:15</div> <div>accused 65:4</div> <div>achieved 11:21</div> <div>acting 39:13 42:15</div> <div>action 57:11,24</div>	<div>actions 60:13</div> <div>activity 79:3</div> <div>actual 16:15</div> <div>addition 75:5</div> <div>additional 82:4</div> <div>address 17:18 39:5</div> <div>addresses 39:7</div> <div>admin 15:19</div> <div>Afghanistan 11:24</div> <div>Afternoon 4:8</div> <div>aggravated 65:25 79:6</div> <div>agree 62:24,25 70:8</div> <div>aid 27:8 28:7 36:13,24 37:1 39:12,25 40:7,10, 19 41:3,9</div> <div>alive 28:11 36:2 38:17</div> <div>allegation 55:4,5</div> <div>allegations 54:25 58:1 64:10</div> <div>allowed 38:16 82:9</div> <div>Alma 37:13,14</div> <div>ambiguous 18:21 29:24</div> <div>Amendment 59:22,25 60:1,3</div> <div>Analysis 72:5</div> <div>analyst 72:8</div> <div>answers 4:24</div> <div>anymore 13:19 14:11 78:20</div> <div>apartment 49:16</div> <div>app 69:12,13</div> <div>apparently 31:22 38:17</div> <div>applied 41:7</div> <div>apply 37:5</div> <div>approach 27:9,16 37:16</div> <div>approached 29:4,11 30:24 37:15 38:8</div> <div>Approximately 67:19</div> <div>area 50:9 75:9 78:23,25</div> <div>areas 73:24</div> <div>argumentative 43:9 81:13</div> <div>arm 22:7,8,12 56:18</div> <div>arm's 34:20</div> <div>armed 77:16,18,22,23, 25</div> <div>armor 82:16</div>	<div>arms 32:22 56:24</div> <div>Army 11:19</div> <div>arrest 20:16</div> <div>arrived 19:5,24 20:2</div> <div>aspect 11:1 39:4</div> <div>assault 65:25 66:5</div> <div>assaulted 64:11</div> <div>assaults 79:6</div> <div>assistance 49:18</div> <div>assume 8:1 14:25 53:11 61:3 73:2 77:24</div> <div>assumption 53:1</div> <div>attempted 37:3</div> <div>attempting 36:7</div> <div>attend 58:14</div> <div>attention 27:6</div> <div>attorney 4:9,12 70:5 73:12</div> <div>attorney's 69:18,21 70:8</div> <div>attorney-client 5:23</div> <div>attorneys 73:16,17</div> <div>audio 47:19 48:1,2 67:18 69:6</div> <div>August 16:13 17:4 82:15</div> <div>authoring 72:9</div> <div>authority 58:10</div> <div>average 13:2 63:12</div> <div>aware 51:20 52:15 57:10 65:14 69:18 71:19 74:18 76:22 77:2, 4</div> <div>Axon 46:18</div> <div>Axon 66:12</div> <div>B</div> <div>back 13:23 17:11,13 18:12 21:14 22:9,19 24:7,20,22 28:22 29:4,9 32:18,24 33:23 34:6 42:18 43:14 64:25 65:13 67:9 69:11,12,14 71:3,10 82:15</div> <div>backed 44:23</div> <div>background 8:19</div> <div>backpack 21:15 22:11</div> <div>backup 17:13,16,21 18:1,16,25</div>
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